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TRANSACTIONS

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ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

Delivered 9 *February*, 1933

By Sir Richard Lodge, LL.D., Litt.D.

The Treaty of Seville (1729)

The first impulse to make a special study of the Treaty of Seville came from my interest in the career of that eminent diplomatist, Benjamin Keene, on whom I discoursed at some length last February. But at that time my attention was concentrated upon Keene's second mission to Spain from 1749 to 1757, and I only gave a very superficial glance at his earlier mission from 1727 to 1739. In reference to this I stated that he played an active part in bringing about the Treaty of Seville, that he was deposed at the last minute from being the sole English signatory of the treaty by the return of William Stanhope, and that he felt some chagrin because all the credit and reward for making that treaty went to his senior colleague, whereas he himself received no recognition of his services. There was no doubt about his discontent, because I found frank expression of it in his letters, but I was curious to ascertain how far this discontent was justified. The study of this minor problem led me on to consider the importance of the treaty in the history of Europe. I came to the conclusion that it was a notable landmark

in the rather tangled diplomacy of the second and third decades of the eighteenth century. The tangle arose from the temporary dislocation of inter-state relations in Europe from normal into abnormal grooves, and a prominent cause of that dislocation was that national interests were largely superseded or overshadowed by dynastic claims and uncertainties.

If it was desired to make out a case against hereditary monarchy, ample material could be found in the history of the earlier half of the eighteenth century. A very substantial part of the troubles which guided or impeded the course of European politics may be traced to the accidents or the expected accidents of marriage, birth, and death. A brief glance round Europe in the third decade of the century will suffice to show how widespread was the uncertainty as to the succession to thrones, and how vital were the interests involved in the solution of these dynastic problems. And though some of the problems were solved in a normal way without provoking actual conflict, it must not be forgotten that, until the solution came, the prospective uncertainty was a powerful disturbing force.

Take the greatest of all continental monarchies, France. Thanks to the fertility of Maria Leczynska, there never was a war of the French succession, but for fourteen years there was an imminent possibility, and even probability, of such a war. Nobody could feel sure, and very few people expected, that Louis XV, the sickly infant who succeeded his great-grandfather in 1715, would grow up to be a robust man and the father of a large family. If he should die without leaving a male heir, civil war in France was inevitable, and the intervention of interested neighbours would promptly lead to a general European struggle. The next heir in the order of primogeniture was Philip V of Spain, the grandson of Louis XIV. In the Utrecht settlement he had solemnly renounced for himself and his descendants all claim to the French crown. But it was notorious that such renunciations had little assurance behind them, and that Philip, in spite of all his re-

ligious scruples, had no intention of being bound by his pledge. More than once, on the news that his nephew was dangerously ill, Philip prepared for a rapid journey to France, where his supporters were instructed to proclaim him as king. On the other hand, the house of Orleans, whose legal claim was based upon the Utrecht settlement, was determined to assert this claim, and could count upon the resolute support of those European states who had reason to dread and to oppose any close union between France and Spain.

This uncertainty as to the succession in France had a reflex action on Spain, which had also problems of its own. Ostensibly there should have been no dubiety about the Spanish succession. Philip V had in the end five sons; two, Don Luis and Don Ferdinand, by his first wife, Maria Louisa of Savoy; and three, Don Carlos, Don Philip, and another Don Luis (born after the death of his elder half-brother), by his second wife, Elizabeth Farnese. This seemed ample provision for undisputed male succession. But, if the Spanish king should succeed in establishing himself on the French throne, what was to happen to Spain? It was quite certain that Europe would never allow one king to hold both crowns. Would Philip take his heir with him to France to become the French Dauphin? would that prince be content to exchange a present for a prospective throne? and would Spain placidly submit to the indignity of being treated as the mere *secundogenitur* of an alien dynasty which had only just acceded to what had not long ago been regarded as the most imposing throne in Europe? These questions never required a practical answer, but for some years their imminence had no small influence upon Spanish opinion and policy.

Also, as I said, Spain had problems of her own. In 1724 Philip V, in one of his fits of pious abnegation, had resigned the crown in favour of his eldest son, Don Luis, and had retired to St. Ildefonso. A few months later small-pox, the scourge of dynasties, had carried off the

young king, and the father had returned to the vacant throne. Was this transaction either legally or morally justifiable? Many Spanish nobles held that it was neither, that the King's abdication had been quite as solemn and binding a pledge as his renunciation of the French succession, that Don Ferdinand had an indefeasible right to succeed his elder brother, and that the utmost claim of Philip was to be allowed to act as Regent during his son's minority. The return to power of Philip and his wife meant the return of those foreign favourites, French and Italian, who had ousted the Spanish nobles from the offices and the political influence which they regarded as their right. It is true that opponents were silenced by Elizabeth Farnese, and that those who refused to conceal their convictions were driven into exile. But the fact remained that Philip's right to the renounced throne was open to dispute, that he himself was not free from qualms, and that the dispute might at any moment be rendered serious by any too obvious sacrifice of Spanish interests to the advancement or endowment of the Queen's children.

There was yet another element of uncertainty in Spain. Philip had abdicated once, and it was probable that the same motives might induce him to abdicate again. The only security was that his wife would never allow him to do so, and that she watched him as carefully as a cat watches a captured mouse. But there were moments, such as those of the daily confession, when the husband escaped from domestic scrutiny, and in one of these moments, at a time of crisis, Philip actually dictated and dispatched his abdication. Elizabeth succeeded in recovering the document and tore it up with appropriate remarks, but, however competent in words, she could not always be certain of such success in action. And if the throne should be vacated, either by abdication or by the King's death (and he lived a very unwholesome life), nobody knew what the masterful Queen would do, except that she would not willingly subside into the impotence of an ordinary Queen

Dowager. She had no love for her stepson, and he had no reason to love her. All her hopes in the uncertain future were based upon the advancement of her own sons. Provision might be found for them in Tuscany and Parma, or in the lost Spanish provinces in Italy or the Netherlands, and this might be facilitated by grandiose marriages. If all else failed, something must be done in Spain itself. One project, of which record has survived, was to divide Spain once more into its component kingdoms of Castile and Aragon, and to secure the latter for Don Carlos. But in order to carry out any of these schemes, in view of the insecurity of her own position and of that of her husband, Spanish hostility must as far as possible be disarmed by a real or professed devotion to obvious Spanish interests such as the recovery of Gibraltar and Minorca and the curtailment or withdrawal of the commercial concessions enjoyed by England.

The succession problem in the Austrian dominions needs no elaboration, as in the end it did lead to a general war in Europe. Charles VI's sacrifices to obtain guarantees for his Pragmatic Sanction, and Maria Theresa's heroic efforts to give effect to her father's bequest to her, are familiar to the most elementary students of the eighteenth century. There are only three points which deserve to be stressed. One is that the succession in Austria is not in any way identical with the election of a new Emperor, though the two problems are often treated as if they were almost identical. Guarantors of the Pragmatic Sanction were pledged in honour to support the succession of Maria Theresa, but it was perfectly open to them to oppose the election of her husband in the Empire. The second point is that the Pragmatic Sanction was designed to secure not only the succession of Charles VI's daughters, but also the indivisibility of the Austrian inheritance. The treaties of Rastadt and Passarowitz had given to Charles VI a larger aggregate of territories than had been held by any Austrian Habsburg since the severance of the two branches of the

house. The Emperor was quite as concerned to preserve this aggregate from partition as he was to provide that it should pass to his own descendants. To many powers, and notably to France and Spain, this assurance of indivisibility was far more of a bugbear than the succession of a particular female claimant, though a good deal admittedly depended upon the choice of that claimant's husband. The last point to note is that in the 'twenties it was quite possible that the Empress might have another son (she had had one who died in infancy), or that her death might enable the Emperor to have a son by a second marriage, and in either case the problem of female succession would not arise.

It is equally needless to labour the dynastic problem in Great Britain. So far the provisions of the Act of Settlement, passed for England in 1701 and extended to Scotland by the Union of 1707, had been carried out, in spite of their conflict with the doctrine of indefeasible hereditary right. The schemes of Bolingbroke, whatever they were, had been foiled by the premature death of Queen Anne, the rising of 1715 had been put down, and Atterbury's Plot had come to nothing. Nevertheless, few people in England, and still fewer perhaps on the Continent, believed that the House of Hanover was securely established on the throne, and the primary aim of British ministers was to do all in their power to stabilise the dynasty. Hence the readiness with which the Whig minister, Stanhope, welcomed the offer of a French alliance, and hence the obstinacy with which another Whig, Sir Robert Walpole, clung to that alliance after he himself had helped to destroy the foundation upon which it rested. Thus, not only was British policy itself largely determined by dynastic interests, even though they might also be called national, but the accession of the new line of rulers had of necessity associated Great Britain with a network of possessions and claims in northern Europe in which our direct concern was at most very remote. It was inevitable, in spite of the protective clause in the Act of Settlement, that British

policy should be partially deflected by a desire to promote the cause of the electoral ruler, and notably to secure the retention of his recent acquisitions, Bremen and Verden.

Perhaps the most important of the other kingdoms in which the succession rights were dubious was Sweden, and this problem, like that of Austria, was not settled without a war.[1] The marriage of Frederick of Hesse Cassel with Ulrica Eleanor, the younger sister of Charles XII, was childless, and even their own right to sit upon the throne was not flawless. An elder sister, Hedwig Sophia, had left a son, Charles Frederick of Holstein-Gottorp, who was for many years the stormy petrel of the Baltic. He had a strong claim to the Swedish crown, and an almost overwhelming claim to the Swedish succession. He also had an immediate claim to the Duchy of Sleswick which, in the recent northern war, had been wrested from his father by Denmark, and had been retained by the Danish king in the treaties which terminated the war. The cause of the young Duke of Holstein had been taken up by Peter the Great, and his marriage to Peter's elder daughter threatened to bring about a highly dangerous union of the crowns of Sweden and Russia. When Russia became the ally of Austria in 1726, Charles VI also became a patron of Charles Frederick and urged his claim to Sleswick. This claim was necessarily opposed by England and France, who had jointly negotiated and guaranteed the treaty which finally gave Sleswick to the Danes. And it was still more vigorously opposed by the Elector of Hanover, who had obtained Bremen and Verden, at the time in Danish occupation, on condition that Denmark should obtain Sleswick. This pressing problem of Sleswick obscured for a time that of the succession in Sweden, but everybody knew that the latter was in the background, that the acquisition of Sleswick would be a step towards the Swedish throne, and

[1] I have described this in an article on "The Treaty of Åbo and the Swedish Succession" in *The English Historical Review*, vol. xliii (October, 1928).

that together they would probably result in absolute Russian domination of the Baltic.

Even the Dutch Republic, which might have been expected to be immune, had a dynastic problem. Since the death of William III, the aggregate of offices which he had held, the Stadtholderate in Holland and four other provinces, together with the federal posts of Captain and Admiral-General, had been vacant. But there was still a cadet of the house of Orange-Nassau, destined later to be known as William IV, who was stadtholder in two provinces, and there was a considerable party which desired to elevate him to the offices and influence which had been held by the great men of the elder line. Although England had contrived to maintain fairly harmonious relations with the Republican leaders, and with the successive Grand Pensionaries of Holland, Heinsius, Hoornbeek and Slingelandt, there was a strong feeling in this country that the relations would be closer and the control of Dutch policy more complete if England could once more deal with a real Stadtholder, and especially if that Stadtholder could, in accordance with earlier traditions, be married to an English princess. No actual steps in that direction were taken till the next decade, but they were already in contemplation, and the fear of them was not without influence upon Anglo-Dutch co-operation in the affairs of Europe.[1]

In addition to these major dynastic questions, which affected the fate of considerable states, there were two minor problems which, in spite of their comparative insignificance, caused even greater overt disturbance in Europe. One was that of the succession in Jülich and Berg, two fragments of the great Cleve inheritance, which after a prolonged struggle had been acquired by the Neuburg princes, who since 1685 also held the Palatine Electorate. This Neuburg line, once the most fertile of all German families, was approaching extinction on the male side, and

[1] On this subject see P. Geyl, *Willem IV en Engeland tot 1748* (The Hague, 1924).

the King of Prussia, who held the Duchy of Cleve, contended that Jülich and Berg must fall to him under the treaty of mutual inheritance which closed the war of the Cleve succession. On the other hand the great house of Wittelsbach, which at this time held no fewer than four electorates, the Palatinate, Bavaria, Cologne and Trier, was determined to maintain the union of Jülich and Berg with the Palatinate, and to secure the undivided succession to Charles Theodore of Sulzbach, the unquestioned heir to the Palatine Electorate. As the last Neuburg Elector did not die till 1742, the actual issue did not arise in the period with which we are concerned, but the succession dispute between Hohenzollern and Wittelsbach bulks very largely in the complicated diplomacy of the earlier period. France, with a long tradition of Wittelsbach alliances, was keenly interested in it. So was Spain, which little more than twenty years before might, but for accident, have fallen to a Wittelsbach king. The Dutch, who dreaded any increase of Prussian power on their frontier, were vitally concerned, and all attempts on the part of rival groups in Europe to gain the rising power of Prussia depended for success upon the terms which they were prepared to offer on this matter to Frederick William.

The other minor question, which is even more prominent than that of Jülich and Berg, was the succession to the Grand Duchy of Tuscany and to the Duchy of Parma. Both ruling houses, the Medici and the Farnesi, were rapidly approaching extinction in the male line. The succession to both was claimed by Elizabeth Farnese for her eldest son, Don Carlos, and in principle the claim had been accepted by the Quadruple Alliance, which provided that, as a guarantee of the claim, neutral (i.e., Swiss) troops should be admitted to garrison the strong places in the two states. But the two rulers objected to the forcible intrusion of alien troops into their dominions, contested the Emperor's claims to suzerainty, and raised other difficulties. Charles VI in many ways encouraged this opposi-

tion, as he thoroughly disliked the intrusion of a Bourbon dynasty into Italy. The objections were obvious. It was the thin edge of the wedge which was designed and destined to break up the Utrecht distribution of the Spanish dominions. Philip V had never willingly acquiesced in the alienation from the Spanish crown of its old possessions in Italy. He had already recovered for a moment Sardinia and Sicily, and had only been compelled to surrender them by an overwhelming coalition of France, Great Britain and Austria. The establishment of his son in central Italy would inevitably be followed by attempts to oust Austria from Naples and Milan, and it was more than possible that in these attempts Spain would have the support of France. Elizabeth Farnese wanted to have Spanish instead of Swiss garrisons, and Charles VI would not listen to such a departure from the terms of the Quadruple Alliance. So irreconcilable were the courts of Austria and Spain on this question of the succession in Parma and Tuscany that the Congress of Cambray, where Great Britain and France undertook to mediate between them, could bring about no agreement.

Only second in importance to these dynastic complications in the determination of policy were the commercial interests of the various states. There were three commercial problems which were specially prominent. One of these was the famous Ostend Company. This was a direct result of the monstrous terms upon which the Maritime Powers had handed over the Southern Netherlands to Austria. The sovereignty of Charles VI over these once flourishing provinces was narrowly restricted. The closing of the Scheldt, which had transferred the commerce of Antwerp to Amsterdam and London, was to be rigidly enforced. The existing duties on imports, notoriously favourable to English and Dutch traders, were to be maintained until a new commercial treaty had been concluded, and this was likely to be indefinitely postponed. And the major part of the curtailed revenue which the ruler was allowed to collect was perforce allocated to the maintenance

of Dutch garrisons in the Barrier fortresses. It was inevitable that the Emperor should resent and seek to evade restrictions which made him, not the sovereign of the provinces, but a mere trustee put in to administer them in the interests of the Maritime Powers. He began in a tentative manner by granting licences to separate ships to trade with the East Indies, and in 1722 he took the decisive step of granting a Charter to a privileged Company in the best available port outside the forbidden Scheldt. The result was a stormy denunciation that this was a direct breach of the conditions upon which the Emperor had acquired the Spanish Netherlands. The Dutch took the lead in the clamour, and England and France, both with East India Companies of their own, followed in their wake.

The other prominent commercial problem was the desire of Spain to curtail or to cancel the trading privileges which England had acquired or usurped during the last sixty years. In the reign of Charles II, when Spain required English assistance against French aggression, a treaty in 1667 had granted to English merchants special liberty of trade in Spain itself. In the same reign, in spite of impotent protests from Spain, the Spanish monopoly in American territories which were indubitably Spanish had been ruthlessly infringed. Englishmen inaugurated a profitable trade in logwood cut on the shores of Honduras, and even established settlements to shelter the logwood cutters at the mouth of the Belize river and elsewhere along the coast. The Treaty of Utrecht made no mention of these encroachments, but granted to England two definite privileges in West Indian trade, the famous *asiento* for the import of slaves, and the annual permitted ship. At the same time the Treaty curtailed rather than increased the privileges as to domestic trade in Spain which had been granted by the treaty of 1667. This, however, was remedied by a treaty which George Bubb (later notorious as Bubb-Dodington) was lucky enough to conclude in December, 1715, at a moment when Alberoni had hopes of gaining

English support for the Italian schemes of Elizabeth Farnese and her husband. When, however, England thwarted Spanish ambitions by joining in the Triple and Quadruple Alliances, Spain treated Bubb's Treaty as virtually annulled, and at the same time denounced the way in which England took advantage of the permitted ship to carry on a vastly extended trade in the West Indies. As England attached the greatest importance both to the colonial and the domestic trade with Spain, she was as eager to retain her commercial privileges as Spain was to curtail them. But in the pursuit of this aim, unlike the attack upon the Ostend Company, England had to rely mainly upon her own exertions. France and Holland, the two other members of the Triple Alliance, were jealous of the exclusive privileges of England, and neither could be trusted, unless otherwise rewarded, to make any strenuous efforts for their renewal or confirmation.

There is another commercial problem, less important than those already mentioned, which emerged into some prominence in the negotiations which preceded the Treaty of Seville. Spain, for various reasons of her own, partly defensive and partly financial, kept her colonial trade rigidly confined to a single Spanish port, originally to Seville, but in the eighteenth century to Cadiz. At regular intervals the *Flota*, duly escorted, sailed from Cadiz to the two harbours of Portobello and Vera Cruz. A few vessels, called Register Ships, were licensed, after crossing the Atlantic with the others, to proceed to other ports, but all returned together to Cadiz. In these ventures foreign merchants at Cadiz, by no means exclusively English but very largely French, were allowed to invest their capital, and the returning cargoes were distributed in proportion to the investment. To cover the expenses of escort the Spanish government levied an indeterminate percentage, called an *indulto*, usually from 12 to 15 per cent, upon the value of these cargoes. The result of this was that a naval belligerent, who sought to damage Spain in the most

obvious way, either by blockading the *Flota* in Portobello, or by capturing it on the voyage, at the same time inflicted damage upon other nationals, including his own, with whom there was no quarrel.

Two causes of ill-feeling, which cannot be labelled either as dynastic or as specifically mercantile, must be briefly referred to. One was Gibraltar and the other was Dunkirk. In both the *amour propre* of a great power was sensitively touched. Both England and Spain have become so familiar with the anomalous situation at Gibraltar that it requires an effort of imagination to appreciate the intense indignation with which Spaniards in the eighteenth century regarded our occupation of the fortress on their coast. They were confident that consistent pressure would compel or induce England to surrender her recent conquest, and they had much to justify their confidence. Stanhope had offered to give it back in 1718, when he tried to induce Alberoni to abandon his Italian ventures. And in 1721, when England and France made a secret treaty with Spain, George I had written to Philip V that he would endeavour to induce Parliament to surrender Gibraltar. It is not surprising that the Spanish King, who knew little about the British Parliament, took this as a definite promise, and considered that he was entitled to demand its fulfilment.

The obligation to dismantle the fortifications of Dunkirk, exacted at Utrecht and confirmed in the treaties of the Triple and Quadruple Alliances, was as rankling a sore in the side of France as the loss of Gibraltar was in that of Spain. As long as France was, for any reason, dependent upon the good-will of England, it was necessary to observe the letter of the successive treaties. But the moment this dependence diminished or ceased, it was certain that France would evade or annul an obligation which she regarded as an insult to her national pride. Hence the condition of Dunkirk is in these years an almost infallible barometer as to the relations between France and England.

This superficial survey of outstanding problems is necessary to explain the conditions under which the Treaty of Seville was negotiated, and a brief retrospect must suffice to bring us to the starting-point, the conclusion of the preliminaries of a general peace in 1727. The alliance between England and France—that curious interlude in what Seeley christened "the second Hundred Years' War"—was based upon the common dynastic interests of the houses of Hanover and Orleans. At the outset it achieved some remarkable successes. It kept within reasonable bounds the ambitious projects of Elizabeth Farnese, which threatened the foundations of the Utrecht settlement, and it enabled Stanhope to play an active part in restoring peace to northern Europe. But, in spite of these achievements, the alliance was not popular in either country, and it was especially unpopular in France, where there was an uneasy sense that England was the predominant partner, that France was used by her ally as a cat's paw, as when French troops destroyed the rising dockyards which Alberoni had founded, and that it was preposterous to have fought so long to maintain a Bourbon on the Spanish throne if that prince was to be treated as an enemy and if France was to gain no profit from the family relationship. No sooner was peace restored to Europe by Spanish acceptance of the terms of the Quadruple Alliance than the natural urge of France to an understanding with Spain made itself felt. The Regent Orleans had no objection so long as his own interests were not injured. Hence the double marriage arrangement of 1721 by which Louis XV was betrothed to the Infanta Maria Anna, the daughter of Philip V and Elizabeth Farnese, while a daughter of Orleans was to marry Don Luis, the heir to the Spanish throne. At the same time the Regent undertook to use his influence with England to procure the restoration of Gibraltar. He was so far successful that England joined with France in a secret treaty with Spain, and George I wrote his famous letter about the cession of Gibraltar.

The price paid to England was the confirmation of the previous commercial treaties. Elizabeth Farnese's aim in making these not very palatable arrangements was to induce the two mediating powers at Cambray to compel Austria to accept her plans for the endowment of Don Carlos in Italy. Her assurance was increased by the emergence of the quarrel about the Ostend Company and by the concurrence of England and France in the Dutch protests. She was therefore profoundly chagrined when the Congress did little more in the Italian dispute than chronicle the rival representations of the contending states, and when she could get little or no support for her proposal that the garrisons sent to Parma and Tuscany should be Spanish instead of Swiss. She made up her mind to frighten the mediating powers by threatening to make a bargain of her own with the Emperor behind their backs. With this object he sent Baron Ripperda in November, 1724, on a transparently secret mission to Vienna. So obviously and diametrically opposed were the main interests of Spain and Austria that nothing would probably have come of this manœuvre, for it was little more, but for the clumsy recklessness of the Duke of Bourbon, who had succeeded Orleans as First Minister of Louis XV. Bourbon, like Philip V, was a vehement opponent of the claim of Orleans to the French succession. This, which might quite well have led to an understanding with Spain, as it did later, provoked at the moment a most violent quarrel. In his haste to exclude the house of Orleans from any chance of the succession, Bourbon determined to send back to Spain the Infanta Maria Anna, who was too young for matrimony, and to provide Louis XV with an adult wife. This he carried out without either notice or adequate explanation to the Infanta's parents. The insult was gross and unpardonable, and Philip V and his wife promptly retaliated, by sending off to France the two Orleans sisters, the widow of King Luis and the fiancée of Don Carlos, by breaking off all direct diplomatic intercourse with the

French Court, and by ordering Ripperda to come to an agreement with Austria at any cost. The result was the hasty conclusion of three treaties at Vienna at the end of April, 1725.

What everybody deemed to be impossible had actually occurred. The news that Charles VI and Philip V, the two contending candidates for the Spanish succession, who had so long refused to make peace with each other and to acknowledge each other's titles, had suddenly become close allies startled Europe almost more than the news, some thirty years later, that Austria and France had finally put an end to their age-long hostility. All sorts of alarming rumours spread as to the secret plans which must underlie this weird alliance and as to its probable results. If the Pragmatic Sanction of Charles VI took effect, and if the Archduchess Maria Theresa should marry the eventual heir of Spain, the Empire of Charles V would be reconstructed, France would once more be encircled, and the great war of liberation would have to be fought over again. German liberties under the Treaty of Westphalia, already threatened by Charles VI, would be at an end, the Barrier Treaty would be torn up, the Scheldt would be re-opened, and Flemish traders, with Antwerp as well as Ostend at their disposal, would be able to extend their activities from the East to the West Indies. Not only would England lose the *asiento* and the commercial treaties, but her tenure of Gibraltar and Minorca, and the succession of her Protestant dynasty, would be seriously endangered.

Looking backwards, we can see that these alarms were ludicrously exaggerated, that the essential interests of Austria and Spain were as diametrically opposed as ever, and that the alliance between them, due to momentary impulses, was too unnatural to render their co-operation either cordial or durable. But the alarm was genuine, and its immediate result was to draw England and France closer together than ever. Bourbon had no dynastic interest, like his predecessor, to bind him to England. But

for the provocation he had himself given to Spain, he would have infinitely preferred a Spanish to an English alliance. But, as matters stood, he was even more dependent upon English support than Orleans had been, and thus was forced to be a party to the Treaty of Hanover in September, which included Prussia as a representative of princely antagonism in Germany to the imperial encroachments of Charles VI. And this Treaty of Hanover had a reflex action upon the policy of the Emperor. Its obvious threat to thwart his aims both in Germany and in the Netherlands drove him, against his wishes, into a closer alliance with Spain. The secret treaty, which was believed to have been made in April, was actually concluded in November, and was therefore a result, and not a cause or justification, of the Treaty of Hanover. This treaty contained the dreaded marriage agreement, but worded with characteristic Viennese caution. The two sons of Elizabeth Farnese, Don Carlos and Don Philip, were to marry two of the Austrian Archduchesses, and if Charles VI should die before Maria Theresa had reached a marriageable age, she was to be the bride of Don Carlos. Otherwise there was no pledge as to the eldest Archduchess, but Elizabeth Farnese was confident that the course of events would enable her favourite son to obtain the hand of the great heiress. Ripperda, the elated author of the diplomatic revolution in Europe, returned to Spain to be raised to power as the first, and almost the sole, minister of the crown. His extraordinary promotion flaunted the Austro-Spanish alliance in the eyes of Europe.

The generally expected war between the two leagues never broke out, though both made some efforts to obtain additional allies. England induced Holland and Sweden to accede to the Treaty of Hanover, and the Emperor retaliated by making an alliance with Russia. More important, however, than these extensions were two ministerial changes in 1726, which certainly tended in the direction of peace. In Spain Ripperda fell from power even more

dramatically than he had risen, and Don Joseph Patiño, who had no belief in the utility of the Austrian alliance to Spain, rose into steadily increasing prominence. In France, Bourbon, who had given occasion for the undesired quarrel with Spain, made way for Fleury, notoriously pacific, and expected, as a loyal ecclesiastic, to free France from close union with Protestant states like England and Holland. From this time far more energy was expended in efforts to break up the two leagues than in warlike preparations. Charles VI achieved one notable success in this direction when he detached Prussia from the league of Hanover. Frederick William knew that the Hanover allies would seek to gain the four Wittelsbach Electors, and that to do this they would not hesitate to sacrifice his claims to the Jülich-Berg succession. As the Emperor would certainly do the same, he had no great temptation to adhere to either combination. Meanwhile Fleury set himself assiduously to conciliate Spain and to weaken the ties between the Courts of Vienna and Madrid. Until he had accomplished this, he could not afford to risk the alienation of the Maritime Powers, as that might at any moment drive them to patch up their quarrel with Austria and thus re-create the dreaded Grand Alliance. But he was resolute in his determination that he would not allow the Treaty of Hanover, as Orleans had allowed the Triple Alliance, to drag France into an unnatural war against the Bourbon King of Spain. And at the same time he would free France from the discredit of dependence upon England, and would recover for France something like her old predominance in Europe. The skill with which he carried out this intricate policy between 1726 and 1729 entitles Fleury to a higher place in the line of great French ministers than has usually been assigned to him.

The only two bellicose powers were Spain and to a lesser degree England. Elizabeth Farnese wanted war because she believed that it would increase the Emperor's dependence upon Spain and would thus extort his consent

to the marriage of Don Carlos with Maria Theresa. Hence the two aggressive actions on the part of Spain, the opening of siege operations against Gibraltar, and the seizure in the harbour of Vera Cruz of the South Sea Company's ship, the *Prince Frederick*. These actions Elizabeth Farnese justified on the ground that they were provoked by the naval measures of England, whence three squadrons had been sent out, one to the Baltic to checkmate any move on the part of Russia, one to the Gulf of Mexico to blockade Portobello and prevent the sailing of the *Flota* from that port, and the third to patrol and threaten the coasts of Spain. But the activity of Spain and England was speedily checked by the news that their respective allies, Austria and France, were engaged in settling the preliminaries of a general peace. Fleury's motives have been already noted. Charles VI had no intention of making sacrifices in the cause of Spain. He had wholly disapproved of the fatuous attack on Gibraltar, and he had no desire for a naval war, which would ruin his Ostend Company and, by interrupting the treasure fleets, would cut off his subsidies from Spain at their source. He had failed to gain the alliance of Prussia, and he dreaded humiliation in Germany at the hands of the Hanover allies. Finally, he had not the slightest desire to marry his heiress to a Spanish Infant, which he knew would set Europe in a blaze, and he already destined her for the Lorraine prince whom she ultimately married. His ambassador at Madrid, Königsegg, carefully concealed the springs of Austrian policy from Elizabeth Farnese, continued to dangle the bait of the great match before her eyes, and sought in this way to cover the Emperor's action in settling terms binding Spain without her knowledge or assent.

Fleury could not risk being equally neglectful of his maritime allies, and Horatio Walpole, British Ambassador in France since 1724, took an active part in settling the terms of the Preliminaries, which were in the first instance signed at Paris on 31 May, 1727, by the plenipotentiaries

of France, Austria, England and Holland. As Spain had no diplomatic representative in France since the rupture with Bourbon, her acceptance could only be assumed. The Preliminaries, however, were sent on to Vienna, and there were signed again on 11 June. This time the Duke of Bournonville, the Spanish Ambassador, attached his signature, so that the transaction was apparently complete. The terms were simple. The Ostend Company was to be suspended for seven years, a transparent device to save the Emperor from the humiliation of immediate suppression. The English, French and Dutch were to recover all their commercial privileges in Spain and in the West Indies as they had stood in 1725. The rights and possessions of the contracting parties as determined by the Treaties of Utrecht, Rastadt and the Quadruple Alliance were confirmed. All hostilities were to cease, all prizes were to be restored, and the British fleets were to be recalled, thus terminating the blockade of the galleons in Portobello. Finally, outstanding questions, not settled in the Preliminaries, were to be referred to a European Congress.

The Preliminaries, a notable triumph for Fleury, relaxed the tension in Europe, but by no means terminated it. Elizabeth Farnese, unable and unwilling to break away from Austria, had swallowed them with a wry face, and was determined to put her own interpretation upon the terms. In England there were ministers, notably Townshend, who had counted upon the Emperor's rejection of the allies' demands, and who had not lost all hope of dragging France into war. And Elizabeth Farnese began by playing into their hands. She refused, on various grounds, to surrender the *Prince Frederick*, and the utmost she would offer was to hand the vessel over in pledge to France until the Congress had decided whether or no its capture had been justified. She contended that the Preliminaries bound her merely to cease firing upon Gibraltar, and that she was in no way compelled to fill up the trenches. She demanded the submission to the Congress of a number of

points which the allies held to have been settled by the Preliminaries, and finally when the delayed *Flota* arrived, she held up the distribution of its cargoes, thus very foolishly giving a grievance to France as well as to England and Holland. It was conjectured with some plausibility that she had made up her mind that France would never go to war against Philip V, so that her impunity was assured.

Meanwhile the conclusion of the Preliminaries had rendered possible the re-opening by France and England of normal diplomatic relations with Spain. This put England in a quandary. As long as Elizabeth Farnese maintained her obvious hostility to England, it could hardly be said that the state of war had come to an end. The British fleets were still cruising off the coasts of America and Spain, and the Spanish trenches before Gibraltar could be re-manned at any moment. There was a risk that a representative sent by England might be insulted by a refusal to receive him at the Spanish Court. It was manifestly impossible to send back William Stanhope, the Ambassador who had quitted Spain when the siege of Gibraltar began, and he would certainly have refused to go. In the circumstances the English ministers decided to employ a humbler agent, and to give a commission as Minister Plenipotentiary to Benjamin Keene, the youthful protégé of Walpole, who had been British Consul at Madrid since 1724, and who was familiar with the commercial disputes between the two countries.[1] He could continue to act as Consul, and could feel his way until there was a propitious moment for presenting his political credentials. His obvious pretext was to intimate the death of George I and the accession of his son. The chief instruction that could be given him was to act in harmony with the representative of France.

Fleury had no such difficulties to face. Time and the

[1] Keene had done something to earn the confidence of the British Ministers when Stanhope sent him to London in 1726 to give a verbatim report of Ripperda's disclosures, which the Ambassador thought too important to be committed to paper.

dismissal of Bourbon had removed the soreness caused by the return of the Infanta and Louis XV's marriage to Maria Leczynska. During the period of apparent alienation there had been frequent communication between France and Spain, partly through the Papal Nuncio at Madrid, and partly through secret emissaries, such as the Abbé Montgon. Both sides, therefore, welcomed the resumption of normal intercourse, and Fleury sent the Count of Rottembourg, a Brandenburger who had entered the service of France, on a special mission to carry the *cordon bleu* to Elizabeth Farnese's infant son, Don Luis. To Rottembourg was also entrusted the task of persuading Spain to observe the Preliminaries. Rottembourg found Keene, the English agent, discussing mercantile questions with the Spanish ministers, the Marquis de la Paz and Patiño, in his capacity as Consul, but still hesitating to risk the assumption of his new character. The French Ambassador, as representing the ally of England, undertook to defend the English interpretation of the Preliminaries and to pave the way for Keene's formal reception at Court. At last at an interview on 3 December, 1727, at which Keene was present, formal letters were interchanged between Rottembourg and de la Paz which were regarded as a convention to affirm Spain's acceptance of the Preliminaries. Keene, an auditor rather than a participant in the discussion, was startled to gather that the Spanish letter contained two departures from the terms which Rottembourg was understood to be defending. (1) The Congress was to decide whether or no the *Prince Frederick* had been lawfully seized, and (2) Spain was to be allowed to put forward a claim for losses due to the presence of British fleets off Spanish coasts. Keene assumed that Rottembourg had received authority to make these concessions, and anyhow he himself had not sufficient status to justify the making of any protest. On the further assumption that all was now settled between England and Spain he presented his credentials and was formally received,

but without any cordiality, by the King and Queen on 13 December.

It is still doubtful whether Rottembourg, in making the agreement of 3 December had or had not authority from his own Court. But there can be no question that it was a very bad start for Keene's diplomatic career. The English ministers flatly refused to be bound by the action of the French Ambassador. Horatio Walpole made the most vigorous remonstrances to Fleury, and Newcastle rapped Keene sharply over the knuckles for having by his silent presence enabled Spain to contend that the British representative had concurred in the agreement. Fleury was in a dilemma. He unquestionably wished to conciliate Spain, and he had taken a very definite step in that direction when in August, 1727, he dismissed Morville, a supporter of the English alliance, and entrusted the department of Foreign Affairs to Chauvelin, notoriously inclined to establish friendly relations with Madrid. Even Horatio Walpole, a stalwart and convinced believer in Fleury's loyalty, was staggered for a time by Chauvelin's appointment, though he charitably defended it as a harmless concession to the trend of public opinion in France. But as long as Spain adhered to Austria, and as long as Elizabeth Farnese cherished the hope of the Austrian marriage, Fleury could not afford to lose the support of England. So, either willingly or perforce, he had to disavow Rottembourg's action as unauthorised, and the whole work had to be done over again. There is good reason to believe that the French ministers were much annoyed by the dictatorial obstinacy of England in the matter.[1]

In the later negotiations about Spanish adhesion to the Preliminaries Keene was rather deliberately left in the

[1] Waldegrave, who was temporarily in charge of the Paris embassy during Horatio Walpole's absence, wrote to Newcastle on 31 January, 1728, that Chauvelin had declared "that it was for the sake of England that France had been wrangling these seven months: that insisting upon justice being done to its allies had cost the nation 7 or 8 millions of piastres. . . . I never saw him so hot in my life." Add. MSS. 32754, f. 142.

cold.[1] The terms of the necessary Convention were carefully settled in Paris, and both Newcastle and Waldegrave (who was acting for Horatio Walpole) would have liked the document to be signed there. But Chauvelin, who obviously thought that Rottembourg had been unfairly and excessively blamed for his previous action, insisted that he should have the credit of signing the re-modelled agreement, and therefore it became necessary to send powers to Keene to affix his signature. But he was to be expressly warned, after his previous *faux pas*, that he had no authority to consent to any alterations. Fleury was extremely annoyed at the delay in sending Keene's powers and at the limitation imposed upon him.[2] Rottembourg's share in the negotiations was little more imposing than Keene's. His chief business was to convince Elizabeth Farnese that she was too sanguine in her reading of French policy, and that continued recalcitrance would force France, however unwilling, into a war with Spain. He was so far successful, with the aid of other circumstances, that the Convention of the Pardo was signed on 6 March, 1728.[3] This

[1] When Newcastle on 13 January (o.s.) told Horatio Walpole to come home for the meeting of Parliament and to leave further negotiations to Waldegrave, he sent him certain orders for the Admiral and Governor at Gibraltar, and added: "H.M. thinks that, considering the indiscreet behaviour of Mr. Keene, it is by no means safe to trust him with the original orders until everything is friendly adjusted with Spain." Add. MSS. 32754, f. 16.

[2] Waldegrave wrote to Newcastle (very private) on 21 February, 1728, that he was convinced that Chauvelin was no friend to England, and that even Fleury, whom he had thought to gratify by telling him that Keene's powers had arrived, "told me with a good deal of coldness that they ought to have been here this fortnight; he did not like the limitation of the power; he said that we were for governing the whole world, that we were *d'une hauteur insupportable*, that all the foreign ministers at this Court were scandalized at our dilatory proceedings, that we put ourselves in the wrong by our ways, that an Englishman was now as odious to the people of Spain as he had been to the Queen of Spain." Waldegrave attributed this outburst of candour to the influence of Chauvelin. *Ibid.*, f. 276.

[3] For the terms of the Convention, see Baudrillart, *Philippe V et la Cour de France*, III, p. 403. It was signed by Königsegg, Rottembourg, Van der Meer, Keene, and the Marquis de la Paz.

was the real date at which the Preliminaries were completed by the adhesion of Spain. It was now possible, after the delay of a year, to convene the European Congress, which was originally to have met at Aix-la-Chapelle, but was transferred to Soissons to meet the convenience of Cardinal Fleury.

The Congress of Soissons, whose function should have been to transform the preliminary into a definitive Treaty, proved, in spite of the dignity given to its opening session on 14 June, 1728, by the presence of the Cardinal in person, as futile an assembly as the previous Congress had been at Cambray. This futility was probably not at all disagreeable to the Cardinal. There was no recognised mediator at Soissons as there had been at Cambray, so the discussions tended to be still more varied and uncontrolled. Every grievance in Europe might sooner or later find a vent. It suited Fleury far better to draw the chief plenipotentiaries, either successively or together, to his own Court, whether at Versailles or at Fontainebleau or elsewhere, and thus to erect himself into an unofficial arbiter. The Preliminaries had been largely his work, but the Convention of the Pardo had been the product of an English revolt against Rottembourg's attempt to impose a Franco-Spanish interpretation of the Preliminaries. Fleury determined that the final settlement, whatever its shape, should bear the impress of French rather than of English guidance. And there can be no doubt that in 1728–9 he was the most important personage in Europe. People still talked of the Congress of Soissons; secretaries and minor plenipotentiaries continued to reside in that pleasant little town; but the real Congress was held at the French Court, and Cardinal Fleury was the arbiter as to what should be discussed there. Associated with Fleury at the Court was the active and extremely useful Foreign Secretary, Chauvelin, who could be employed at any time to chill the rather too sanguine hopes that had been aroused by the Cardinal's conciliatory assurances. The partnership between the two men was at

this time based upon complete agreement as to the main lines of policy. It is this which gives additional significance to the transfer of business from Soissons to Paris. Chauvelin was not one of the French plenipotentiaries at the Congress, but at the French Court he was at the very centre of the negotiations.

The men with whom Fleury and Chauvelin had to deal were the English, Austrian, and Spanish plenipotentiaries. There were Dutch representatives too, guided by the Grand Pensionary, Slingelandt,[1] from the Hague. The Republic was a member of the league of Hanover, and had considerable interest in some of the European problems. But, apart from the Ostend Company, Holland had not a vital concern in what must be regarded as the major problems, many of the moves in the game were not revealed at the time to the Dutch agents, and they did little but act as mediators from time to time when there seemed to be a possible clash between English and French aims. The English plenipotentiaries were Horatio Walpole, William Stanhope and Stephen Poyntz. Walpole, as the brother of Sir Robert, as British Ambassador in France, and as an intimate associate of Fleury, held a position of peculiar importance.[2] Stanhope, previously Ambassador in Spain, and supposed to be a *persona grata* to the Spanish King and Queen, also carried some weight. Poyntz, who had come from Stockholm on account of his knowledge of affairs in the north, was emphatically a spare wheel on the coach, though he was sometimes employed to run it when his colleagues had to return to London for Parliamentary sessions. The most important of the Austrian plenipotentiaries was the Chancellor Sinzendorf, and the most prominent representative of Spain was the Duke of Bournonville, previously Ambassador at Vienna and, as a Fleming

[1] The Dutch share in the negotiations which preceded the Treaty of Seville has been ably and carefully analysed by A. Goslinga, in *Slingelandt's Efforts towards European Peace* (The Hague, 1915).

[2] Elizabeth Farnese was in the habit of taunting the French ministers by declaring that Walpole was the real Foreign Secretary in France.

by birth, peculiarly attached to the Austro-Spanish Alliance. It was only after Bournonville had been recalled to Madrid in November, 1728, that his colleagues, Santa Cruz and Barrenechea, emerged into some prominence. But neither of them had enough weight to enable them to take any decisive step without definite instructions from Madrid.

A word must be said about the Court of Spain. The two most influential ministers were the Marquis de la Paz and Joseph Patiño. The Marquis, previously Orendayn, had conducted the correspondence with Ripperda during the latter's famous mission to Vienna, and owed his title to the conclusion of the Vienna Treaty. He was therefore regarded as the professed champion of the Austrian Alliance, but he was not a strong man and was unlikely to oppose the will of the Queen. Patiño was minister of Marine and the Indies, and his elder brother, the Marquis of Castelar, was minister of war. But it was the younger brother who was admittedly the more pushing and ambitious of the two. Patiño had not, as yet, played any active part in foreign policy, which was the department of de la Paz, but it was understood that he disapproved of the depletion of the Spanish Treasury to send subsidies to Austria. Three of the foreign ministers deserve attention. By far the most prominent was the Austrian, Königsegg, who had arrived at Madrid soon after the Treaty of Vienna and had gained such influence there that he had come to be regarded as the dictator of Spanish policy. Second to him was the new French Ambassador, the Marquis of Brancas, who arrived in June, 1728, as the successor of Rottembourg. As *ministre de famille*, Brancas had the right of free access to the King and Queen, he was personally popular, and it was in his favour that public opinion in Spain had distinctly turned against the Austrian alliance and was inclined to favour France. As compared with these two grandiose ministers, England seemed to be humbly represented by Benjamin Keene, who had not yet recovered from his blunder at the time of Rottembourg's first con-

vention, and who was very imperfectly trusted as yet by his immediate superior, the Duke of Newcastle. And indirectly Keene's status was further lowered by being ordered to take instructions from the plenipotentiaries in France, one of whom had been Ambassador in Spain while he was merely Consul. This inferiority in its representative placed England at a distinct disadvantage with France, and at one moment threatened to have serious results. In January, 1729, the Spanish Court went to Badajoz to exchange brides in a double marriage alliance with Portugal, which was in itself a result of the Spanish quarrel with England. Ferdinand, the heir to Spain, was to marry the Portuguese princess Barbara, while the Prince of Brazil, later King Joseph, was married to the Infanta Maria Anna, the once affianced bride of Louis XV. Keene accompanied the Court to Badajoz, but when the King and Queen proceeded thence on what proved to be a prolonged visit to Andalusia, only Königsegg and Brancas were invited to follow them, and it was not obscurely hinted to the other foreign agents that they might as well return to Madrid. In this crisis Keene took a step which earned for him the approval of his Court and may be said to have laid the foundation of his subsequent advancement. He went to Brancas and declared that, if the French Ambassador followed the Court, and the English and Dutch representatives were relegated to impotent seclusion at Madrid, everybody would conclude that the Hanoverian Alliance was at an end. This representation had its effect, and Keene went on into Andalusia, where Newcastle assured him that his extraordinary expenses would be defrayed, and that he would in addition continue to draw his salary as Consul.[1] But for this action on Keene's part, he would have had

[1] Keene to Newcastle, 25 January, 1729 (from Badajoz), in B.M. Add. MSS. 32760, f. 40; and Newcastle's reply on 24 January (o.s.), *ibid.*, f. 64. Keene must have been in great pecuniary difficulties, as on 9 October, 1728, he had begged Delafaye to intercede for him with Newcastle and Walpole, as "I am drove to my last shifts, and a little time will complete my ruin" (S.P., Spain, 99).

very little to do with the Treaty of Seville. The Dutch minister, Van der Meer, who profited by Keene's action, was a negligible quantity,[1] though he had an exaggerated estimate of his own importance.

The great strength of Fleury's position was that he was not profoundly interested in the various problems which distracted Europe, except in the projected marriage of Don Carlos to Maria Theresa, and in the possible problem of the French succession. He had inherited the Treaty of Hanover from his predecessor, but he had not made it, and if he had been in office in 1725 it might never have been necessary to make it. So, though it was convenient to plead from time to time that he was honourably bound by its provisions, he had no enthusiasm for them. As for Gibraltar and the *asiento*, which were the two great interests of England, he wasn't going to fight about them either way, and he would prefer that England should possess neither. The French East India Company doubtless desired to put an end to the Ostend Company, and it suited him at the moment to gratify its members, but the French Company never exercised the same political influence as was gained by its English rival, and no one could say that the destruction of the Ostend Company was a primary aim of French policy. If the Emperor claimed compensation for the surrender of the Company, either in a modification of the Dutch Barrier or in the fixing of a new Belgian tariff, Fleury had no objection, apart from any desire he might have to conciliate the Dutch. After all the Barrier had been erected against France, and it was part of the general topsy-turveydom that France was expected to fight for the preservation of a defence against French aggression and to enable England to keep advantages which had been gained in a war against France. Altogether France

[1] On more than one occasion Keene deliberately kept his actions secret from Van der Meer. See especially his dispatch to Newcastle of 3 May, 1729 (*ibid.*, f. 378). There was good reason for this because there was considerable divergence between English and Dutch views on commercial questions.

was in the anomalous position of posing as a champion of the Utrecht settlement, whereas it was obvious that the Treaty of Utrecht, though much more favourable than could have been expected after an unsuccessful war, was a treaty which had been imposed upon a defeated France.

What Fleury wanted was to put an end to something still more anomalous, the unnatural alliance of Austria and Spain. It is true that he might have tried to render it innocuous or beneficent by making it friendly instead of hostile to France. If he had been an original epoch-making statesman, he might have anticipated the Treaty of Versailles by nearly thirty years, and formed a Bourbon-Habsburg league to dictate to Europe. But Fleury was not that sort of man, and he was content with the more obvious policy of dissolving the Vienna league. To do this he must make friends either with Austria or with Spain. From some points of view it was easier to deal with Austria. Charles VI was less temperamental than Elizabeth Farnese, and his policy was less aggressive and disturbing. But here again all the traditions of France, almost consistently anti-Habsburg for two centuries, tied his hands. He might play with the project of a separate agreement with the Emperor, in order to divide him from Spain. But as the minister of a Bourbon King of France he was virtually bound to seek reconciliation with the Bourbon ruler of Spain, even though the latter was dominated by an Italian wife who had no great love for France. In addition, any real reconciliation with Austria involved a recognition of the Pragmatic Sanction, and Fleury was not prepared to guarantee the indivisibility of the Austrian dominions, especially of the Italian dominions. Hence the inevitable conclusion was that the only feasible method of breaking the hostile coalition was to come to an understanding with Spain.

In coming to this conclusion Fleury was fully aware that his policy was not without dangers. The Maritime Powers had no such invincible objections to the Pragmatic

Sanction, nor had they the same traditional animosity to Austria. George II had his Hanoverian quarrels with the Emperor about Mecklenburg and Bremen and Verden, but England had no great grievance against him, once the Ostend Company had been removed. The Dutch had fears about the Barrier and the tariff in the southern Netherlands, and had their own quarrel with Charles VI about his conduct in East Friesland, but the simple fact remained that a hostile Austria meant perpetual insecurity on their exposed frontier, and that somehow or other the Austrian Alliance must be regained. If, therefore, Charles VI showed a willingness to come to reasonable terms, and if Fleury rejected the Austrian overtures, there was a very serious risk that the Maritime Powers might break away from the Treaty of Hanover and might make their own treaty with Austria for the purpose of coercing Spain. The risk was the greater because there were ministers in England who regarded this as the shortest and best way of solving their difficulties. Such a solution, however, Fleury was anxious to avert, though Chauvelin might regard it with more equanimity. The Cardinal's extremely subtle policy was to gain Spain without breaking up the league of Hanover, and thus to leave Austria isolated and presumably impotent. With this in his mind he was prepared to lay exaggerated stress upon the German quarrels, and to excourage his allies in all projects to form leagues among the German princes to resist Charles VI's endeavour to exert and strengthen the imperial authority. He had an object lesson in recent history, which must have been constantly in his mind. Stanhope had expanded the Triple Alliance to include the Austrian ruler, and had thus forced upon France the uncongenial task of coercing a recalcitrant Spain.[1] Fleury would imitate the English statesman in a reverse direction. He would expand the Hanover Alliance to include Spain, and would then force upon

[1] Professor Basil Williams in his *Stanhope* has given a very full and luminous account of that statesman's successful diplomacy.

England the uncongenial task of coercing Austria. He made a great stride in this direction when he secured the Treaty of Seville, and he would probably have achieved complete success if Townshend had carried the day against Walpole when the two brothers-in-law split in 1730.

I have neither the time nor the inclination to trace in detail the tortuous negotiations in which Fleury is the dominant figure between the summer of 1728 and the conclusion of the great treaty in the Andalusian capital in November, 1729. I am a fairly hardened explorer of diplomatic mazes, but I confess that I found this particular maze very baffling. I can only suggest a few guiding threads. At the outset Fleury was approached, under a vow of absolute secrecy, by Bournonville with the project of the great Bourbon-Habsburg marriage. It was pointed out that the Cardinal would earn eternal fame if he promoted a scheme by which the Bourbons would succeed to the vast possessions of their rivals. Sinzendorf came with the same project and the same demand for secrecy but with quite different arguments, and Fleury noted with some malice that the two allies never spoke of the marriage when they came together. He promised to treat their overtures as confidential, and promptly communicated them to Horatio Walpole and Stanhope. The answer was an obvious one. It would be madness to veto at the outset a project in which Elizabeth Farnese was keenly interested, as the result would be to throw her more completely than ever into the arms of Austria. So the plenipotentiaries were assured that Fleury was willing to further the marriage, provided adequate safeguards for the balance of power could be devised. Newcastle had already instructed Keene to obtain a private interview with the Spanish Queen and to assure her that, on the same condition, English support would be forthcoming. He went on in the same letter to point out that the discussion on these safeguards would be endless, that agreement would probably never be reached,

and that therefore the assurance was perfectly harmless.[1] But Keene had to reply that the King and Queen were so inseparable that all his efforts to obtain an interview with Elizabeth alone were unsuccessful.

In fact, conditions in Spain were such that any agreement with that Court in the later half of 1728 was out of the question. In June, just at the time of Brancas' arrival from France, Philip V made his abortive attempt at abdication, and, when he was thwarted by the Queen, he became so ill and unbalanced that either death or declared insanity seemed imminent. The Queen had no authority to act as Regent, and she had to continue the control of affairs with the knowledge that courtiers, ministers, and even the Austrian Königsegg, were looking to the accession of her stepson, Ferdinand, whom she was compelled to call to the Council. And at the end of October came the news that Louis XV was attacked by small-pox. Immediately Philip emerged from his lethargy, prepared to start on his way to France, and instructed his agents to secure his proclamation as King the moment the throne was vacant. It was not till assurances arrived of Louis' complete recovery that the Spanish Court returned to something like normal conditions.

Meanwhile Fleury had begun to despair of getting a definitive treaty, either general or separate. The Emperor would not give up the Ostend Company without an equivalent, which the Dutch refused on the ground that the Charter to the Company was a breach of existing treaties and that the revision of tariffs was quite a separate prob-

[1] Newcastle to H. Walpole, 26 March (o.s.), 1728. Keene may assure the Queen of the King's desire for renewed friendship with Spain. "He may add, as from himself, that he is persuaded that the prejudice that she may have entertained against the two crowns, as being averse to the aggrandizement of her Family, is so far from being well founded that, whatever views she may have of that kind, even that of a match for her son with an Archduchess, provided the same may be so regulated as that the Balance of Europe may be preserved, they will be so far from opposing it that they will readily concur in it." B.M. Add. MSS. 32755, f. 123 (printed by Legg in *Dip. Instructions*, vi, p. 20).

lem. The Spanish plenipotentiaries, unable to obtain what they could regard as an adequate assurance about the marriage project, continued to assert that England could not keep both Gibraltar and the *asiento*, that the latter had been confirmed in the treaty of 1721 on the distinct understanding that Gibraltar would be restored, and they produced George I's letter as evidence. Walpole replied with some asperity that Gibraltar and the *asiento* had both been settled in the Preliminaries and that the discussion could not be re-opened. Fleury, against his will, was compelled for the moment to support Walpole. Faced with this obstinacy all round, the Cardinal proposed, as a *pis aller*, to prolong the present quiescence by a mere provisional treaty, confirming the Preliminaries, with a prolonged suspension of the Ostend trade, and handing over agreed disputes to commissioners appointed by the interested parties. If this had been accepted, Fleury's pet scheme of transferring Spain from one side to the other must have been postponed. Rather to his relief, however, neither Austria nor Spain would agree to it. Elizabeth Farnese's comments to Brancas were expressed with her usual vigour.

"I see, Monsieur, that everybody finds his account in this project: the Cardinal is an old man and wants to make peace, good or bad is no matter to him; the Emperor wishes to avoid war, and M. de Sinzendorf is so eager to return to Vienna that he desires to close the Congress well or ill; the Dutch have their own way with the Ostend Company; and the English will continue to ruin our and your commerce; it is only Spain which is sacrificed." [1]

During the winter of 1728–9 there was a distinct slackening of negotiations. Horatio Walpole and Stanhope quitted France in December for the session of Parliament, and Poyntz was left in charge until his senior colleagues returned

[1] Quoted from Brancas' despatch to Chauvelin by Baudrillart, *Philippe V et la Cour de France*, III, p. 444. See also Keene to H. Walpole, 6 September, 1728, in B.M. Add. MSS. 32758, f. 69.

in April. Keene's dispatches from Spain during the winter were little more than news-letters. The Spanish Court was occupied with the Portuguese marriages and with visits to Seville, Cadiz and other places in Andalusia. Keene followed as closely as he could, and tried to keep in touch with Brancas. His chief business was to present protests against alleged breaches of the Preliminaries by Spain, and he was far from being a *persona grata* at the Court, where the King and Queen carefully evaded his requests for interviews. But it was in Andalusia that events began to move in the direction desired by the Hanover allies, and it fell to Keene to report them both to Newcastle in England and to the English plenipotentiaries in France. In April the Court went to Cadiz to welcome the galleons from the West Indies. At once all the familiar questions arose as to the distribution of the cargoes, the percentage to be levied by the Spanish government, and the subsidies due to Austria. Königsegg demanded the payment of arrears to his court, and found himself once more confronted by Patiño, who wanted to spend all available revenue on the expansion of the Spanish fleet. Elizabeth Farnese had for some time been dissatisfied with the Austrian Ambassador, partly because of his attention to the Prince of Asturias during the King's illness, and partly on account of his persistent shuffling about the Austrian marriages. This latter question had assumed a new character since the death of the third daughter of Charles VI in the previous autumn. As there were now only two Archduchesses, and as the secret treaty of 1725 provided that two Archduchesses should be married to Don Carlos and Don Philip, it followed that the bride of Don Carlos must now be Maria Theresa. And every year that passed without a son to the Emperor made it more and more probable that Maria Theresa would be her father's heiress. When, therefore, Königsegg pressed for subsidies, Elizabeth replied by asking for a definite pledge that the marriage should be carried out. The Austrian answer, that it was too early, and that matters

must wait till Maria Theresa was of marriageable age, convinced the Queen that the Emperor had never been sincere in the matter, and that the Spanish alliance was only valuable to him as bringing in Spanish gold. From this moment she made up her mind not only to desert her ally, but to punish him for his faithlessness.[1]

Elizabeth Farnese had now discovered that two of her dreams had failed her. In view of Louis XV's recovery and her husband's uncertain health, there was little prospect that Philip would carry off her stepson to France and leave the Spanish crown to Don Carlos. Nor was there any longer a chance of that gilded marriage with the greatest heiress of her generation. Therefore, if Don Carlos was not to be a portionless younger son, attention must be concentrated upon providing him with those Italian provinces, Parma and Tuscany, in which the succession had been assured to him by the Quadruple Alliance. That succession was endangered by the reluctance of the Grand Duke of Tuscany to accept it, and the still greater reluctance of the Emperor, revealed long ago at Cambray, to admit a Bourbon and a possible rival into the Italian peninsula. These obstacles could only be overcome by the energetic assistance of France and the Maritime Powers, and if that assistance had to be purchased by jettisoning such Spanish interests as Gibraltar and the *asiento*, then these interests must go by the board. The demand that Spanish garrisons should be admitted to the duchies in place of neutral troops, and that armed support should be promised to put down opposition from any quarter—demands which had been overshadowed in the last three years by more grandiose schemes—suddenly came once more to the forefront.

The news from Spain, reported by Brancas, Keene, and Van der Meer, galvanised the diplomatists at Paris into

[1] On 12 May, 1729, Keene wrote to Newcastle from Seville (in cypher) that "the Queen's great view is the securing Don Carlos's succession, and next to that to have her revenge upon the Emperor for having so long amused her" (S.P., Spain, 100).

renewed activity. There were two outstanding questions. Was the settlement, now in sight, to take the form of the general treaty, which it was the professed aim of the Congress of Soissons to bring about, or was it to be a separate treaty between the Hanover allies and one of the opposing powers? Also, if Austria, on discovering the prospective desertion of Spain, endeavoured to outbid the Spanish Court (as was inevitable), would that attempt be successful? Fleury had no doubt as to the French answer to both questions. He would make a separate treaty with Spain, and would reject any overtures from Vienna. The Dutch were not quite so certain, but Spanish trade had great attractions, The Emperor had irritated them about the Ostend Company, the Belgian tariff, and their garrison in Emden, and many prominent Dutchmen, including their plenipotentiaries in France, were inclined to follow French guidance, the more so because a marriage of the Prince of Orange to the English Princess Royal had been already mooted. So Fleury could count upon the Dutch Republic. All depended upon the attitude of England, where there was more dubiety than at the Hague. Everybody was in favour of securing Gibraltar and the *asiento*. Nobody cared a button as to whether Spanish or neutral troops were sent into the Italian duchies.[1] Those duchies had been promised to Don Carlos, and the promise must be fulfilled. But a definitive treaty with Spain in place of the projected general treaty raised serious problems. It would not restore peace to Europe, and might even lead to a very awkward war, in which we would be the allies of the two Bourbon states against the Habsburg ruler of Austria, whose claim to the whole of the Spanish inheritance we had championed, doubtless under different conditions, not many years ago. It would be an extremely inconvenient war. We could not

[1] Newcastle to Stanhope and H. Walpole, 28 September, 1728: "As to the articles for securing the succession of Don Carlos to the states of Parma and Tuscany, it is perfectly indifferent to the King whether the garrisons proposed for that purpose be Swiss or Spanish" (B.M. Add. MSS. 32758, f. 331).

fight Austria at sea, because Austria was not a naval power. We could attack Sicily, but what could we do with Sicily, if we occupied the island, but give it to a Bourbon prince? And did we want to do that? The most vulnerable possession of Austria was the southern Netherlands. But could we possibly welcome the invasion of those provinces by French troops, after fighting a great war with the primary purpose of freeing them from France? It was not surprising that Sir Robert Walpole and the Duke of Newcastle hesitated before following France on to such quaking ground. On the other hand, George II and Townshend had few qualms about their decision. They held that the Emperor's conduct since 1725, in Germany as elsewhere, entitled him to no quarter, and that a signal humiliation would be a well-earned lesson to him. They prevailed, partly because the King still had a decisive voice in foreign policy, and partly because Walpole and Newcastle were dubious rather than decided in their views. If the treaty was made with Spain, that would not render it impossible to conciliate the Emperor by subsequent concessions.

From the moment that the Hanover allies came into line, events moved with reasonable rapidity. The main structure of the projected treaty was clearly defined. In return for adequate concessions to secure the enforcement of Don Carlos's claims to the duchies, Spain must give way upon all the other matters in dispute, must leave England in possession of Gibraltar and the *asiento*, and must cancel all the concessions once promised to the Ostend Company. A draft was made under the direction of the Queen by the Marquis de la Paz, and this was forwarded to Paris. There Fleury and Chauvelin, with the allied plenipotentiaries, recast it to suit their views. If powers had been given to the Spanish plenipotentiaries, the treaty might have been signed in Paris. But Philip and Elizabeth, with characteristic arrogance, insisted that they must have the last word, and so it was necessary to send the draft treaty to Seville, which had become the Andalusian head-quarters of the

peripatetic Spanish Court. This involved some obvious risks. It was notorious that de la Paz, attached to the Austrian alliance, was at heart an opponent of the new treaty. He might, at the last moment, insist upon inserting some unpalatable provisions, and the allied representatives at Seville might not be strong enough to resist. Keene, who had not yet earned Newcastle's confidence, very adroitly tried to combat this danger. While Brancas dealt solely with de la Paz, Keene set himself to establish intimate relations with Patiño, whom he discerned to be the rising minister. This proved to be a very real contribution to the ultimate acceptance of the treaty. There was also another risk. Great importance was attached in those days to the *alternat*, as evidence of the equality of contracting states. This meant that each copy of the treaty must be signed by the several plenipotentiaries in alternating order. If Keene should be empowered to sign for England, it was possible that objection might be made to alternating with him, as a minister and a man of inferior rank. Keene himself believed and asserted that Brancas had instructions to refuse him the *alternat*.[1]

In order to remove these dangers, whether real or imagined, Newcastle wrote to implore Stanhope to resume his interrupted embassy to Spain for the purpose of getting the treaty signed, after which he could immediately return before the winter made travelling across the Pyrenees extremely disagreeable. Stanhope himself offered or professed grave objections to going, and only consented in the end to undertake the journey on condition that he should be assured of a long-coveted peerage.[2] Meanwhile his col-

[1] Keene to the plenipotentiaries in Paris (very secret), October, 1729 in B.M. Add. MSS. 32764, f. 63.

[2] Stanhope replied to Newcastle's pressing letters, that it might "expose me to the loss of my reputation in case I could (as is most likely) do nothing, and to that of my head in case I concluded any treaty, tho' with never so honest intentions" (*ibid.*, 32762, f. 262. The letter is printed in Coxe, *Sir Robert Walpole*, II, p. 650). On 7 September he intimated acceptance of the mission, and added that it was "the greatest

leagues in Paris, sharing his objections and probably rather annoyed that they had not the credit of signing the treaty in France, insisted upon sending the draft treaty by courier in advance, and transmitted with it full powers to Keene to sign it without waiting for Stanhope, provided no material alterations were made in the text.

But the Spanish Court, in the belief that Stanhope would not come all that way without power to make concessions, insisted upon delay. So Stanhope journeyed by easy stages to Madrid, where he occupied Keene's house, and thence proceeded to Seville. Keene met him on the road to give him the latest news, and the two men drove into the city together. There is no evidence of anything but complete concord between them. No change, except a few verbal alterations to satisfy Spanish pride,[1] were made in the draft, and both the English plenipotentiaries attached their signatures to the treaty on 9 November. The Dutchman, Van der Meer, was not a signatory, but provision was made for Dutch adhesion and Van der Meer signed this on 21 November. As soon as this was completed Stanhope set out on the return journey, and at Bayonne he was greeted by the news that a patent had been granted to him as Baron Harrington. Keene had to be content with a rather grudging congratulation from Newcastle, and with far more cordial letters from Townshend and from the plenipotentiaries in Paris.[2]

sacrifice I ever did or can make in all my life" (Add. MSS. 32762, f. 319). On 29 August (o.s.) Newcastle excused the urgency of his appeal on the ground that "Keene is very good but by no means equal to this thing," and in a second letter of the same date he adds that the draft treaty "will come from you with greater weight than it possibly can from Mr. Keene, who, tho' he has acted all along perfectly well, yet labours under the disadvantage of being much inferior in rank to the ministers with whom he is to transact" (*ibid.*, ff. 386 and 389).

[1] Stanhope and Keene to Newcastle, 10 November, 1729: "The King of Spain would look upon himself as dishonoured in the world, should he be said to have signed a Treaty in the very terms in which it had been offered to him" (B.M. Add. MSS. 32764, f. 3).

[2] When it was thought that an objection might be made to Keene on the score of inferior rank H. Walpole had written to him: "I should

As between Stanhope and Keene the balance was fairly even. Stanhope had a larger share in actually framing the treaty because this was done in Paris. Keene, by his relations with Patiño, who signed for Spain with de la Paz, did far more to make certain of the consent of Spain. It is extremely unlikely, though Newcastle professed to believe it, that the treaty would not have been signed without Stanhope's presence.[1] But the question of the relative services of the two English representatives is a minor matter. Neither Stanhope nor Keene made the Treaty of Seville. Its real author was Cardinal Fleury. He had reconstructed a Quadruple Alliance, but, unlike that of 1718, it included the Bourbon King of Spain and was directed against the Habsburg Emperor.

I do not propose to delve into later history. I have said something about it in a previous address to this Society.[2] At the very moment when Stanhope was leaving France on his journey to Spain an event occurred which was of far greater moment than the treaty which he signed on his arrival at Seville. This was the birth of a Dauphin on 4 September, 1729. The assurance of continued male succession in the direct line put an end to that dynastic uncertainty which had been for many years an obstacle to close union between France and Spain. The way was now paved for the successive Family Compacts in 1733, 1743 and 1761. There was no longer any reason why France, or a party in France, should cling to the Utrecht settlement and seek to buttress it by an alliance with England. The

be very sorry if, from a pure nicety of form, you should have been deprived of the satisfaction and honour of putting the last hand to a negotiation in which you have had no little share and trouble" (*ibid.*, 32763, f. 385). The letter of congratulation from Walpole and Poyntz is *ibid.*, 32764, f. 202.

[1] However, H. Walpole and Poyntz wrote on 24 November, "We are persuaded this important affair would still have suffered several difficultys and delays, had not Mr. Stanhope undertaken that tedious and fatiguing journey" (B.M. Add. MSS. 32764, f. 124).

[2] See "English Neutrality in the War of the Polish Succession" in *Transactions*, Fourth Series, Vol. XIV.

original motive for that alliance had been weakened by the death of the Regent Orleans, and the cause of its renewal had been removed by the severance of the Austro-Spanish league.

Meanwhile, before the full significance of the Dauphin's birth had been revealed, events in Europe had on a larger scale pursued the same course as in 1727. The signal triumph of Fleury in guiding the Maritime Powers into the Treaty of Seville was followed by a reaction on the part of England, and once more England carried with her the Dutch Republic, though only after an uneasy interval. All the difficulties which Walpole and Newcastle had dimly foreseen in 1729 became conspicuous in the following year, when Spain called upon her allies to fulfil their promises and to force the Emperor to accept the terms dictated by the Seville allies. There was only one method by which the Maritime Powers could evade the unpleasant obligations in which the French alliance and Fleury's skilful diplomacy had involved them. Instead of coercing the Emperor into submission, it was possible to bribe him by offering a guarantee of his Pragmatic Sanction. As it was known that Fleury would never consent to this, it was necessary to break the Treaty of Hanover by conducting a separate negotiation with the Austrian Court. The Treaty of Vienna in 1731 was Walpole's retort to Fleury's triumph at Seville in 1729. Europe seemed about to revert to the familiar grooves of the "old system," which had been rather uncomfortably abandoned during the past fifteen years.

I have now delivered the last of my Presidential Addresses. When I took office four years ago, it was on the understanding that I might resign it if at any time I found that age and infirmity made the duties too onerous. I have, however, completed the full term of my tenure, and can claim, for what it is worth, to have been as regular in attendance as any of my predecessors, and to have been

even more vocal. I have in each successive session delivered two addresses, i.e., four more than my statutory allowance. I can only plead, in self-defence, that only one of these supernumerary addresses was undertaken on my own initiative. If, therefore, anybody is to be blamed for my excessive loquacity, some share of the blame must go to your imperious Director. Possibly some may think that more apology is needed for the fact that six of these addresses have dealt with eighteenth-century diplomacy. But a shoemaker must stick to his last, and I own that I myself take such pleasure in fitting together the jig-saw puzzle of diplomatic relations that I find myself impelled to assume, with unwarranted egotism, a similar enthusiasm on the part of listeners or readers. And I have tried to remember that diplomacy is carried on by human beings and not by labelled machines. Anyhow, my task is completed, and I have now the pleasant duty of handing it on to a well-qualified and a younger successor. In welcoming Professor Powicke (regrettably in his absence), I may express the hope that he will find its occupancy as pleasant as I have found it, and I can assure him that he will receive from the officers of the Society the same cordial and loyal support which for the last four years has been given to me.

A DISCUSSION ON THE MODERN METHODS FOR THE STUDY OF MEDIEVAL HISTORY AND THEIR REQUIREMENTS

Modern Methods of Medieval Research

By Professor F. M. Powicke, Litt.D., F.B.A.

8 *December*, 1932

If our discussion this afternoon is to be helpful, the scope of our subject must be clearly defined. I take it that, by "Modern Methods in Medieval Historical Research," we mean especially the various kinds of co-operative study which have grown so rapidly in recent years. If this be so, let me say at once, on behalf, I am sure, of my fellow medievalists no less than myself, that we do not imply, by the limitation of our subject, any lack of faith in the supreme value of private and individual investigation. The best and finest work must always be done in solitude. It may not be the most useful work, if by this we mean the work whose every-day value as an aid to study is most apparent, but it must always be the finest work, the most satisfying and the most stimulating. "Have salt in yourselves and be at peace one with another" is a golden rule in scholarship as well as in life; and in the world of scholarship I am not sure that it is not better to have salt in oneself, to have something clear and definite to do with the intention and ability to do it, than to be at peace one with another. But this afternoon we are mainly concerned with the second part of the precept, with that positive kind of peace which we call co-operation. If you say that co-operators can and do fight as bitterly as isolated persons

do, I can only reply that I am assuming, for the sake of our subject, that they will not.

Three tendencies seem to me to be at work in the modern developments of co-operative study:

(a) The relations between master and pupil in advanced work;

(b) The necessity, felt in local, national and international societies, of some attempt to give order and purpose to the active, but somewhat chaotic, interest in historical work;

(c) The realisation that some kinds of work, although it might perhaps best be done by individuals, is never likely to be done save in co-operation.

These tendencies, of course, cut across each other, and I distinguish them for the sake of clarity.

A teacher who has the responsible duty of advising graduate students is inevitably forced to consider the existing range of studies, his own particular opportunities for effective guidance and the possibilities of future publication. He must not get in the way of others, he must concentrate his own energies so far as he can, and he must keep clear of subjects which, however useful they may be as exercises, could not help the promotion of learning. Hence, during the last twenty years or so, our graduate schools have tended—slowly and uneasily, no doubt, but quite definitely—to adjust their work to the work and views of others, and to find stimulus in the interests of particular teachers. In this, as in other movements, Manchester led the way. Perhaps I may give one example. In three or four years the British Academy will, I hope, publish the texts and kindred documents relating to the judicial proceedings and settlements under the Dictum of Kenilworth. The book will be based upon co-ordinated work done by Manchester graduates who were working for their Ph.D. or M.A. degrees. Most of you, I imagine, could give other examples. I can think of two or three which illustrate the links which can be

forged between our Universities and the local historical and record societies—of a chronicle published in the Surrey Archæological Collections, a little cartulary published by the Yorkshire Archæological Society, town records now being edited for the Oxfordshire Record Society—all of them work done for higher degrees. And more of it is on the way. Graduate work of this kind can also be directed to help big enterprises, such as the volumes of the Pipe Roll Society or the scheme for continuing Haddan and Stubbs.

The concentration of purpose in local, national and international activities presents more difficult problems. Here self-restraint is almost as important as a spirit of adventure. Here also it is sometimes wiser to use resources in order to help particular scholars than to promote co-operative work. We have only to think of the fine thing which Professor Tait made, during many years, of the Chetham Society, of Mr. Salter's work for the Oxford Historical Society, of Mr. Jenkinson's searching and skilful use of the Surrey Record Society, of Canon Foster at Lincoln, Mr. G. H. Fowler at Bedford, Miss Wake at Northampton, each with his or her Record Society, or of Mrs. Stenton's quiet, but forceful control of the Pipe Roll Society, Dr. Rose Graham's steady influence in the Canterbury and York Society, Dr. Little's in the Society of Franciscan Studies and the great work of the Provost of University College and Professor Stenton for the English Place Name Society; or, in international enterprises, of some of the projects sponsored by the Union Académique, such as Dr. Lowe's *corpus* of early Western manuscripts. In all these cases corporate revenues have been wisely and economically spent because some one who knew exactly what could and should be done has been there to give a lead and encouraged to give it, or take it. The drawback is that such people do not live for ever. Even if the Pipe Rolls are not thought deserving of publication beyond, let us say, the reign of Edward II, Mrs. Stenton would be required to maintain her interest and her faculties unimpaired until she was

somewhere about 160 years of age. And what, in the meanwhile, of the Memoranda Rolls which become increasingly the more important record ? It is just here, in the planning of simple, straightforward schemes for a long period that the difficulties of co-operation are so great. Our healthy Record Societies may lapse into amateurish ineffectiveness, the Pipe Roll and Canterbury and York Societies may collapse, as for a time even the wonderful Society of the Bollandists collapsed or as the old Pipe Roll Society, the old English Historical Society, and many more have collapsed. The difficulty of finding the right people to carry on a tradition is complicated by the difficulty of finance, a difficulty before which even the Record Commission, and the Historical Manuscripts Commission, have had to bow, and to which, if it had not been for the courage and pertinacity of Dr. William Page, the Victoria County Histories would have been forced to surrender. And there are other difficulties. Anyone who has had to attend meetings of the Union Académique and the International Historical Committee is soon made alive to the delicate diplomacy required in the maintenance of their important undertakings. It is essential that our younger scholars, as they come along, should be encouraged to understand these activities—local, national and international—and to take their share of responsibility for them, although their interest may involve the loss of some personal freedom ; for the historians of the future will depend on the results of these activities just as our predecessors depended upon Ducange and the Benedictines, Muratori and Mansi, Dugdale, Prynne, Madox, Wilkins, Rymer and the rest.

I have already trespassed on the third section of my subject, the co-operation of scholars for the execution of some definite task which is an end in itself. I hope that, in the discussion which is to follow, spokesmen may be found for the new *Concilia* and the new Ducange. The new Ducange, though an international enterprise, is, so far as it is concerned with English records and writers, a dis-

tinct task with a definite aim, needing English help. And I hope that we shall hear something about the policy of the English Place Name Society.

And now what about our Society, with its house, its library, its considerable funds? How is it related to all these recent developments? What is it going to do about them? I can merely ask the question, for it would be unwise to attempt an answer until we had paid far more attention to the problem than we have. Moreover, it is a question which concerns modern no less than medieval history.

There is, however, no harm in elaborating the question.

In the first place, can members of the Royal Historical Society, as individuals, do something to aid some at least of the enterprises? I venture to mention one, a child of the International Historical Committee, which I think many of our members might assist. This, modestly described as an inquiry on the revision of Chronological Lists, has been entrusted to a Special Commission. It is really a project for a new and up-to-date *Trésor de Chronologie*, a modern revision of the great work done by the Benedictines and, since them, in the big volume compiled by Mas Latrie. Recently, at the request of our British National Committee, Mr. Charles Johnson and I suggested to the Commission the lines which a British contribution to the project might follow. We consider that, in a big general chronological work, British contributions should comprise

A. Lists of Kings, including the rulers of Saxon Kingdoms, Scotland and Wales, giving the important dates (birth, succession, death), notes on relationships to previous rulers, marriages, children, long absences from the Kingdom and so forth.

B. Lists of Bishops, with family names, dates of election and consecration, death or translation.

C. Lists of Earls and superior ranks to about A.D. 1600,

and I would include the more important barons before 1300. These lists would include genealogical notes.

D. Lists of Chancellors and Treasurers to A.D. 1700; of Principal Secretaries of State from Elizabeth's time and of Prime Ministers from Walpole's time.

E. A geographical alphabet of ecclesiastical and civil Councils, with dates.

F. The Saints' Days, including those of local saints, observed especially in Britain, and a list of local feasts and phrases, such as Relic Sunday and Plough Monday, used in England. Also notes on the various kinds of year, the regnal year, as calculated in the Chancery and Exchequer, with the various usages of chronicles and records in beginning the year, dates of legal memory, terms, Scottish "quarter-days" and the like.

Most of the material is readily accessible, and, if a few people interested in or attracted by these matters would help, it should not be hard for us to see that the British section is worthy of such an important work, and worthy of our historical scholarship. Here I mention the suggestion both by way of invitation and as an illustration of the kind of help which Fellows of the Society may well be expected to give.

A second form of the general question which I am raising is the relation of this Society to other societies or organisations for historical study. We are naturally expected to take a leading place in the historical world. On particular occasions we give receptions or we co-operate in particular discussions, as, for example, the committee on the relations between history and geography. But ought the Society to have a deliberate, permanent policy, by which it is prepared to stand, and to advance which it is prepared, if necessary, to modify its constitution or to depart from its traditions? For example, how should we stand in relation to the various

record societies? I rule out the historical and archæological societies in their general, more discursive activities, for I imagine that, from this point of view, their activities will be focussed in the existing federations and possibly in the new British Records Association. I am not thinking so much of the persons generally interested in local history, nor of the preservation of Records, but of the people actively concerned to promote the edition of records, whether purely local, or national (such as Feet of Fines and Assize Rolls), in their local manifestations. Would it be possible, if I may venture on a definite suggestion, to make our library, not only a centre, but *the* centre and home of local record publications, and to have it recognised as such by the Institute of Historical Research and other libraries outside the British Museum and some of the greater libraries? Could we become the centre for the student as distinct from the organiser and preserver of such records? As we are inclined to raise the qualifications required for election as a fellow of the Society, could we strengthen our position and enlarge our membership by erecting a class of Associates, some of whom would be drawn from the more active members of local record societies, and others from clergy, teachers and persons who were actively interested in historical study?

And, finally, to take a third form or mode of my general question, what about the distribution of our funds between our more casual semi-social activities and the most important and valuable part of all our work, our publications? Or, to put the question in a different and perhaps a better way, how can we best relate our normal traditional activities, particularly as publishers, to the learned world about us? Is it possible to make our Society the national and generally accepted vehicle or patron of certain kinds of historical work, such as the "major research enterprises" of the Medieval Academy of America? A great deal has been done already, largely through the efforts and devotion of Dr. Hubert Hall and through the Publication Committee of the Council which supervises his work; but is it possible

to offer both of them the best of all tributes, by trying to organise and generalise their work ; to enlarge it and diffuse the generous spirit of their labours through a permanent, carefully wrought plan of action ?

These are very important issues. I cannot pretend to deal with them here, and I do not think that any of us at this stage should do more than take sympathetic cognisance of them. If you are eagerly inclined, restrain your ardour and work for careful inquiry. If you feel hostile, ask yourselves if it is not right to see what is in them. I can only in all deference, but with real earnestness, submit them to you as worthy of the Society's consideration.

Discussion

Professor Jacob urged that one method by which the Royal Historical Society could contribute greatly towards scholarship was by making grants or awarding a scholarship to approved research workers to enable them to continue or carry out studies in which they were engaged, whether on their own behalf or on behalf of some collective enterprise. One of the main difficulties in the light of historical research was the lack of means for remunerating young scholars after they had completed their initial training in research. He also suggested that one very necessary enterprise was the re-editing and consequent publication of texts edited in the early part of the last century. Several volumes undertaken by the English Historical Society needed drastic revision (e.g. that of Thomas Elmham *Gesta Henrici Quinti*). Manuscript study had made such strides that we should no longer be satisfied with many of these early texts in their present form.

Professor Hilda Johnstone, welcoming the variety and suggestiveness of Professor Powicke's survey, laid particular stress upon his mention of the need of English scholars for a general work of chronological and other reference of the type of Mas Latrie's *Trésor de Chronologie*. The need was pressing. Any new compilation should bear

in mind the workers on records, and include, for example, lists of exchequer as well as regnal years. A by-product should be a smaller work of reference for students. Of the hand-books at present available, one only included a list of exchequer years, in highly abbreviated shape, and inaccurate for certain reigns.

Dr. A. G. Little and Professor F. M. Stenton also spoke in approval of Professor Powicke's suggestions.

A DISCUSSION ON THE EXPLORATION OF ANGLO-AMERICAN ARCHIVES

Opened by Hubert Hall, Litt.D., F.S.A.

10 *November*, 1932

The purpose of the coming Discussion may be gathered from the Card of Session and the Notices of the Meeting.

This is an age of academic Conferences and Discussions whereby we may hope to keep in touch with one another and with other historical organisations, in this country and abroad.

I undertook to open this Discussion because the notice for making arrangements was short, while the number of the speakers was necessarily limited, and I was able to supply the evidence of more than one eye-witness by reason of my age and opportunities. In the interests of subsequent speakers (who are even more severely rationed than myself) I shall resist the temptation of reminiscences suggested by a lifetime passed in or about the Archives, especially such as might concern some British and American men and women who have frequented those beloved Archives and who are (or were) themselves equally beloved; and we know that American devotion to the biographical side of historical study is not only amiable but also infectious.

The discussion of any subject relating to archives in the absence of a full complement of American researchers is certainly unfortunate.

Even before the War the Fellowship of the Society in America was considerable, and its collaboration in the study and elucidation of British history or institutions is associated with many able scholars—the mere enumeration of whose

names would be tedious, while to select from those whom I have known so well might seem invidious. But though the main body of that eager company cannot be with us at this season, it must be evident that the title of our investigation includes the archives of the Old and New Worlds alike and some Fellows present are very competent to discuss both.

Wherever custodians or students of archives are gathered, there is wont to be lamentation for the lack of facilities for research, or of the means for providing those facilities, as though official zeal and public gratitude were lively expectations of more favours still to come from the powers that be. These expectations are part of the rôles of archivist and researcher on both sides of the Atlantic, and who among us has not thrown his pebble? But the expectation may not be unreasonable or the shower of remonstrances undeserved. It is not so much here a case of accomplished scholars excavating the vestiges of antiquity in some prehistoric cave or tomb on no-man's-land, as of graduate students selecting and often disentangling historical documents from bundles, files and rolls in national repositories to which each of them can claim facilities of access, or in private collections which are subject to the mere custom of "Noblesse oblige." None of these researchers can forget the damage caused by neglectful custody in former times, even though such sad vicissitudes may be (as poets and moralists tell us) in the nature of earthly things.

Speaking of the official archives, it should be remembered that a large proportion of the old Colonial records was preserved in England because there was no vice-regal secretariat functioning overseas between Secretaries of State and Colonial Governors, though such archives as were of a legal or topical nature were filed or registered on the spot. The quest of these national archives, therefore, has involved researches on both sides, while it has even included research in foreign archives. I mention this international aspect of the subject to show that the modern researcher's net must be widely spread and finely meshed; for it is admitted that

the custody of former transatlantic archivists has been even more negligent than our own. It follows from this admission that the original state and even the actual contents of certain archives may have been to some extent a mystery for researchers, past or present, and may remain one for those to come. This is unfortunate, because experience teaches that (as an effective safeguard) the complete enumeration of documents is more important than their partial description or publication. In practice, however, archivists have found that public and official interest alike needs to be stimulated by extracts from Calendars or Texts.

This procedure may have facilitated the grant of some pittance from the lavish establishment of the modern State, and half a loaf may be better than none at all, but historians will hope that the other half loaf, if and when received, may be wholemeal rather than standard bread.

There is still another limitation to facilities for international research which is imposed on American and British researchers alike. For various reasons (which are not always very convincing) certain documents, or even collections, have been withdrawn from inspection by official or private owners. In the latter case this decision is of course final [1]; but in the former case a candid statement of the facts (including a brief description of the documents) would perhaps be not only an act of grace, but also a prudent dispensation.

But we are not here this evening merely to beat the bounds of an old archive tradition, and some scholars here could peg out claims as the result of swifter and surer progress in recent years. Therefore I will only make the briefest mention of the results of the various efforts that have been made, during the past fifty years, for the discovery, description and reconstruction of these related archives. Of course

[1] I remember a conversation with Mr. Bryce on the subject of the disposal of certain private and confidential State papers, followed by a communication in which he expressed his conviction that such papers should be preserved and made available to historians at the discretion of a public trustee.

this survey could be dated further back, but even within my own memory (of that time) the number of Anglo-American researchers was then as limited as the subjects and methods of research. Ten years later, the present Deputy Keeper of the Public Records has told us that he found matters still in much the same position. Before long, however, a great advance was made by American scholars, profiting by the excellent organisation of their Historical Association, with a scholarly series of "Guides" to manuscript materials concerning the United States found in other national archives. This pre-War period was remarkable for the valuable repertories of historical sources and archives compiled by Charles Gross and Charles Andrews, as well as by the late Frances Davenport, Dr. Leland and other members of the Division of Historical Research (United States History) at the Carnegie Institution, then under the direction of Dr. Jameson, whose recent illness will have been regretted by all of us. His efforts have been the chief inspiration of these great undertakings, while (for North America also) Dr. Doughty and Dr. Biggar have continued the parallel enterprises of the Canadian archives with great distinction.

Then we come to the activities of the Royal Commission on Public Records, of 1910 to 1919, which printed interesting Reports by American scholars on local records in the U.S.A. and West Indies and also on some inaccessible British records.[1]

During the War the Head-Quarters of the A.H.A. were represented by an informal committee, with Mr. Bryce as chairman and Professor Newton and myself as conveners, while the preparation of materials for the Bibliography of Modern British History continued to be made by the American and British committees. After the War these bodies and the American Universities Union were recon-

[1] Professor Hull's survey of the Island parishes is very interesting, and Miss French's experience of local records in the Eastern States helps to illustrate Professor Oliver's Paper in *History*, April, 1927.

stituted and the Carnegie Endowment, the Rockefeller Trust and other benefactions were reorganised. Then, with the co-operation of the International Congress of the Historical Sciences, the International Academic Union, and other august bodies, as described (with acknowledgments to Dr. Temperley) by our much revered and regretted President, Professor T. F. Tout, in two memorable addresses, conferences of Anglo-American historians and divers international committees and subcommittees have been appointed to report on the "accessibility of archives", the "migrations of historical MSS." and the historical bibliography of Learned Societies or other agencies.

Here special mention must be made of the great Project (associated with the activities of the European Historical Missions and administered by the Manuscript Division of the Library of Congress) whereby hundreds of thousands of original documents, or photographic reproductions thereof, have been transmitted from European archives by expert agents and made available to historical students, many thousands of original documents having been first repaired. I need say no more concerning the conquests of space and time by the missions of this Grand Alliance—for are not these things written in the *Bulletins* of the Journal of the London Institute of Historical Research?—and they can be discussed here by speakers better qualified than myself.[1]

Apart from the very satisfactory results of these national benefactions, the manuscript division of the Library of Congress has been steadily enriched by the generosity of American citizens who have already deposited or communicated a varied and surprisingly valuable assortment of documents. This patriotic movement (which compares favourably with the acquisitions of our own archives from such sources) does not seem to be by any means exhausted, and it includes a large class of semi-official documents which has always been particularly elusive. Naturally these de-

[1] Since these remarks were made the 1932 Reports of the Library of Congress and of the Carnegie Institution have been published.

posited documents are especially important for American history, but some of them should have considerable interest for students of British and Continental history. Moreover, the survival of these unexpected hoards is instructive to archivists as well as to historians, for in such cases "man maketh manners", and the personality and methods of the Chief of the Division of Manuscripts have exerted a magnetic attraction on potential benefactors of the Library of Congress and thereby of history students generally, who are being supplied with much material for historical revision.[1]

The above-mentioned Five-Years Project, financed by the Rockefeller Fund, has recently been brought to a successful conclusion and everyone here knows that the modest enumeration of its widespread activities in the Reports of the Library of Congress could be enlarged from the appreciations of British beneficiaries alone.

Those who might be inclined to judge the scope and method of American historical research from the somewhat otiose Proceedings of some elder Societies, would be confounded by the mere perusal of this amazing record of the endeavours of a central archive organisation which is rapidly bringing American researchers into touch with the historical sources and literature of their own and other countries, besides providing scientific materials for compiling important aids in respect of Linguistic and Biography.

Personally, I have been much impressed during the last forty years by the great example of the American exploration of neighbouring and distant archives and by its almost unlimited possibilities for furthering the preparation of World History on approved and scientific lines. It is true that the acquired collections of the federated

[1] A characteristic note in Dr. Jameson's report for 1931 contains the suggestion that whenever a family archive is divided among coheirs, photostat reproductions should be taken of the whole collection, since the risk of loss would be multiplied by such partitions, a contingency which has, unfortunately, become a common incident in the modern archivist's experience.

or friendly States of the recently developed continents of a new world might seem a very different proposition from the rich stores of national records inherited by the Western Kingdoms of an older world ; but in fact the very modernity and remoteness of the former has been an incentive to their youthful vigour in the quest of historical muniments.

Apart from these patriotic efforts, the study of international relations has suggested independent researches on the origins and systems of European and especially of British institutions which have furnished valuable information for the use of medieval and modern students alike, and there is another aspect of these relations that seems to have escaped general attention. The historical archives of the United States have always included a considerable number of documents which may be regarded as supplementing the sources of information available to British students, and these are being dealt with chiefly as materials for American History, national or local; and every year for long past, American archives have been enriched by acquisitions from British collections.

Are we to regard these Migrations as unfavourable to the interests of our own Research students ; or do we stand to gain by the better facilities afforded by the repair arrangement, and description of documents which were frequently neglected and even withheld or farmed by their former owners? This is a rather interesting academic problem which can be and doubtless will be discussed as such. For my own part, having recently enjoyed exceptional facilities for inspecting some elusive migrants to the Western States, I can quite appreciate these advantages ; but others not so fortunate might feel justified in subscribing to a National Purchase Fund (provided that the tax-gatherer should spare them the means withal).

One more reflection occurs ; the Reports of modern Archives Missions may remind us of the benefactions in some fairy legend ; but there is also a practical aspect of the subject. The national value, as well as the national use

of these archives or relics, may be gathered from the Reports of archivists, librarians, curators, academic authorities,[1] sale catalogues, and newspapers, while the trade in publishing or reproducing documents or objects for cosmopolitan study is quite impressive. The promotion of international culture by these industrial or scientific agencies is all to the good and one of our dreams from fairy land may have come true; but our day-dreams of universal peace and goodwill among the nations may be rudely disturbed if a traffic in national records between unauthorised custodians and unscrupulous collectors or dealers is allowed to flourish, for no such treasures can be fairly gained by those who require immunity for their own.

Discussion.[2]

Professor A. P. Newton congratulated Dr. Hall on the interesting draught that he had vouchsafed for his hearers from the stores of his experience of archives and record searchers. It was impossible for one provided only with a much narrower experience to follow him in his excursions over so wide a field and he would therefore confine himself to one or two observations that had occurred to him in the work of directing the researches of his seminar. He first desired to add his whole-hearted testimony to the extraordinary value of the *Guides* to Historical Material prepared by Professor Charles Andrews and Miss Frances Davenport. They were far more than mere select lists, for they contain historical notes of unique importance concerning the working and growth of the institutions from which the papers emanate. It would

[1] E.g. Lists of Theses.

[2] Letters were received from Professor A. F. Pollard, Miss E. Jeffries Davis, Professor Harold Temperley, Professor R. H. Tawney and Mr. J. M. R. Butler. In a written communication, Mrs. T. F. Tout described the conditions of research in the British manorial documents acquired by the Huntington Library, as seen in 1928 by Professor Tout, and this subject has been referred to by Sir W. H. Beveridge and the Opener (cf. Bulletin of the H.L., No. 2 and Fifth Report of the Director of the Huntington Library, etc., 1931–2.

seem extraordinary for the average investigator of English history to consult a "Guide to Materials for the History of the United States," but he will find there, merely to quote one instance, a unique account of the passage of a document through the seals until it is recorded on the patent roll which is invaluable, and being devoted to a severely practical purpose is not overloaded with minutiae.[1] Miss Davenport's introductions and footnotes are mines of accurate and well-digested information which it would take a student years to acquire for himself. But, on the other hand, students must be emphatically warned not to take these Carnegie *Guides* for more than they pretend to be. They are select lists to indicate the general character of the documents contained in various classes of the public archives or in different repositories and to give sample titles. The investigator must not take them as infallible or complete, and he cannot be absolved from searching the archives for himself.

Professor Newton said that he would like to associate himself with what Dr. Hall had said about the necessity for preparing *complete* lists and inventories of archives. Select lists inevitably have in their make-up a good deal of the caprice of the selector and cannot be trusted by other scholars with different interests. Even complete calendars do not absolve a careful investigator from consulting the documents themselves, but until they can be produced, it is far better to have a reprint of the whole of some essential part of the archives and a list of the rest than any selection. Thus the printing by the Public Record Office of the whole of the *Journal of the Commissioners of Trade and Plantations*, which is now proceeding, is of infinitely greater value to the student of colonial history than the publication of the selection called *Acts of the Privy Council, Colonial Series*, which is a mere selection from the Privy Council Register and removes the

[1] Cf. H. Hall, *Studies in Official Documents*, p. 148, and *Formula Book*, Vol. I, pp. 114–16.

colonial entries from their setting and thus warps their meaning. No better service could be rendered to students by the authorities of the Public Record Office than to continue such work as the publication of the *Journal* and to begin, for example, the preparation of a new series of *Calendars of State Papers, Colonial.* This might commence appropriately in 1760 with the reign of George III and continue concurrently and on the same plan as the present series, for which the thanks of every student are unreservedly due to Mr. Cecil Headlam, its learned editor.

In conclusion, Professor Newton drew attention to the large masses of valuable material for colonial history contained in the ill-explored recesses of the *Journals* of the Lords and Commons in the eighteenth century. He made a strong plea for the resumption of the *Calendars of the MSS. of the House of Lords,* which had unfortunately been suspended, and indicated as a task that might be appropriately undertaken by the Society the preparation of a complete list of the reports of Parliamentary Committees which are buried in the Journals of the eighteenth century.

Dr. H. P. Biggar observed that the General Post Office records are of immense value not only for the American Colonies but also later on for Canada. In fact, the Canadian Post Office was directly controlled by the British Postmaster-General down to 1857. There is a vast amount of material relating to Franklin's administration of the American post office which should prove most valuable to American students. The Canadian portion has been copied to a considerable extent and this was used by the late William Smith in his *History* published by the Cambridge Press.

The Custom House records only date, of course, from 1812 onwards, when the old building was burned, but they are of the greatest interest for the history of trade and commerce. The Librarian tells us that he has complete lists of all the passengers for America round about 1840 to 1850. Some

students know of these records, but they should perhaps be better known.[1]

The papers from Baring Brothers and Glyn Mills deal with loans for the construction of railways and canals and other public works both in the United States and Canada. Professor Adam Shortt, who was the only man who had consulted them, said that they also throw a great light on the political conditions of the times. Since his death one has not heard of anyone who has used them except his own son.

The records of the Hudson's Bay Company have now been sent to London from most of the Canadian ports and are being arranged and put in order by Mr. Leveson Gower, who is in charge of them. The Canadian Archives copied the earliest Minute Books and Journals, but since then a large number of new records have been received and classified. The new Governor is much more willing to allow these records to be consulted, and this last summer Professor W. S. Wallace of Toronto reaped a very rich harvest both there and at Somerset House, where he discovered the wills of many of their old factors.

In this connection it might be mentioned that the papers of Lord Selkirk, now in the possession of the Hope family, have been transcribed for the Canadian Government to the extent of about 100 volumes. Lord Dartmouth, whose rich collection of papers relating to North America was reported on by the Historical MSS. Commission, actually handed over the Canadian documents to the Public Archives at Ottawa. It may be noted here that the collection of the late Colonel Jocelyn Bagot, which was also used by the Canadian Archives, has now apparently disappeared. Lord Shelburne's famous collection is now housed at Ann Arbor, and the Dorchester papers, formerly preserved in the Royal Institution, have been recently sold to America.

The Society for the Propagation of the Gospel has a mass of papers relating to American social life, many of which are

[1] Cf. Miss K. Walpole in *Trans.* R. Hist. S., 4th S., Vol. XIV.

still unbound and therefore inaccessible. Finally, the Royal Library at Windsor is naturally an almost unused source for certain aspects of American history.

PROFESSOR A. A. ETTINGER called attention to the fact that although progress with the new Archives Building in Washington, which has been planned to house all those official documents, now so widely dispersed in the respective departments, has been necessarily suspended for a time, its importance is very evident and its provision for research will be highly beneficial to students on both sides of the Atlantic. In the meantime, the migration of archives continued to attract increasing attention, as instanced by the recent decision of the Pilgrims' Trust to purchase Lord North's papers and endow the cataloguing of them in the Bodleian Library. The policy of retaining for England its historic documents was not unreasonable; for to many American scholars in Eastern Universities, England with its treasures, was not much further than some of America's finest repositories. Certainly it would be advisable for British research libraries to adopt the plan of "stock permits" and more open shelves for qualified post-graduate students or university teachers, for the primary purpose of facilitating research was a saving of time. As for the sources available, there was still a very general neglect by students of a given subject, of allied or related fields, for example, the value of the records of the British West Indian, and of other continental colonies, for the study of General Oglethorpe's imperial defence of Georgia against Spain in 1740. In fact, it would be found that, in many cases, the history of a State is based on local records without much regard for the supplementary materials existing in other States.

A matter of inevitable moment was the future of collections of private papers, restricted for a given number of years, such as the Correspondence of Colonel House, or of Earl Haig, or certain "official biographies," such as R. S. Baker's "official" biography of President Wilson. Might

it not be hoped that such priceless sources for a correct analysis of more recent events (which are often the cause of present conditions) be made available, like the later State Papers, to qualified historians.

The DEPUTY KEEPER OF THE PUBLIC RECORDS suggested that the owners of family papers which had been sold to America, ought not to be judged too harshly.

In the past, distinguished literary men were often given the run of muniment rooms and did not treat their contents with proper respect. One comes across flagrant traces of this abuse in some large collections.

Latterly, the owner of such papers has developed a greater sense of responsibility and does not like his papers to be handled by strangers without supervision. When more money was available a librarian was kept to attend to such matters, but those spacious days have gone by. Again, the demands of students may become a real tax on the owner's time, especially if he has distinguished ancestors.

The position is aggravated if his documents are deteriorating. He is faced with the prospect of heavy expenditure for repairing, binding, and so on. He is precluded from using his capital by the existence of trustees and cannot afford it out of income.

He would willingly deposit the collection in some library, but what library would accept them except as a gift ? They must be conditioned before they can be consulted by students and they may be recalled as soon as the sum necessary has been spent. Moreover the owner's estate being in most cases subject to the supervision of trustees, he cannot give and must ask for the best possible price if he sells, and the proceeds have to go into the settlement. He is offered a considerable sum by an American library, a sum far beyond the resources of any library at home : his difficulties are solved and the papers go.

PROFESSOR H. HALE BELLOT, in supplementing Professor Newton's speech with a few details, remarked that he

was personally concerned only with the subject of "American History," which seen in its true perspective and defined in academic language is the history of the United States of America since 1783.[1]

[1] In a written communication, Professor Bellot suggests that the largest body of material for American History in this country, apart from Anglo-American relations, is probably the British Museum Collection of Congressional debates and papers. For native American collections prior to 1783, he suggests reference to Greene and Morris, *Guide to the Principal Sources for Early American History*, 1600–1800, and the Library of Congress Lists referred to by the Opener.

BEDE AS A CLASSICAL AND A PATRISTIC SCHOLAR [1]

By M. L. W. Laistner, M.A., F.R.Hist.S.

Read 11 *May*, 1933.

Among the many and complex problems with which the history of Europe in the Middle Ages—and especially the earlier period of the Middle Ages—teems is the character of the intellectual heritage transmitted to medieval men from classical and later Roman imperial times. The topic has engaged the attention of many scholars, amongst them men of the greatest eminence, so that much which fifty years ago was still dark and uncertain is now clear and beyond dispute. Yet the old notions and misconceptions die hard, especially in books approximating to the text-book class. In a recently published volume on the Middle Ages intended for university freshmen there is much that is excellent and abreast of the most recent investigations; but the sections on early medieval education and scholarship seem to show that the author has never read anything on that subject later than Mullinger's *Schools of Charles the Great.* Even in larger works it is not uncommon to find the author merely repeating what the last man before him has said, without inquiring into controversial matters for himself. Years ago Ludwig Traube pointed the way to a correct estimate of Greek studies

[1] The following abbreviations have been used throughout: *P.L.* = Migne, *Patrologia Latina*, references being to volume, column, and section. *C.S.E.L.* = *Corpus Scriptorum Ecclesiasticorum Latinorum*, references being to volume, page, and line. *M.G.H.A.A.* = *Monumenta Germaniae Historica: Auctores antiquissimi*, cited by volume and page.

in Western Europe during the earlier Middle Ages, and subsequent research, while it has greatly added to the evidence collected by him, has only fortified his general conclusions. Nevertheless one still finds Alcuin or Hrabanus Maurus listed amongst those who knew Greek, on the strength of a few words or phrases that, as a very little research shows, were taken over by them from Jerome. What is now needed is not striking generalisations, but a patient accumulation of *data*, not brilliant reinterpretations, but critical editions of the many texts that are still only available in antiquated and faulty publications. It is the purpose of this paper to examine the work of only a single author—to consider, without any claim to have studied all his writings, the extent of the Venerable Bede's reading and method of work. Since his activity as an author extended over about forty years, it may also prove possible to gain here and there some little insight into the growth of his mind. In taking Bede as the subject of our inquiry we are, moreover, considering a man not only unique in himself, but the most important forerunner of the Carolingian Revival, indeed one of the outstanding figures of the whole medieval period. His example shows us what could be done to revive humane and theological studies; but we must not fall into the error of believing that there were many besides him who did it. In actual fact there were but few men who came within measurable distance of his achievement, and fewer still who accomplished more.

When Bede was born neither of the two monastic houses with which his name is so closely linked was yet founded; only four or five years had passed since Theodore of Tarsus landed in England. On the other hand, much civilising work had been carried on for the past half-century in the northern parts of England by Paulinus, Wilfrith, and their associates, and by the Irish from Iona. These last laid the foundations of Northumbrian scholarship and gave to the English a script which they trans-

muted into a national hand. The monastery of Wearmouth was founded in 674 by Benedict Biscop. To the care of its abbot and teachers the boy Bede was entrusted at the age of seven. When he was nine or ten, another religious house was established near-by at Jarrow. Wearmouth and Jarrow were indeed intended to form a single monastery. But political and ecclesiastical affairs often demanded Benedict Biscop's presence elsewhere, so that in practice each house had its own permanent head. Bede appears to have been transferred to Jarrow at, or soon after, its foundation; at all events, if the identification of him with the small choirboy, who aided Abbot Ceolfrith to carry on the services of the Church during the awful visitation of the plague in 686, is correct, he was established by that year in the surroundings where he was to pass the remainder of his life. There is but little information about the schools at Wearmouth and Jarrow. The picture which modern writers have been apt to draw, by using in the main the evidence of the Carolingian schools, is likely to be more misleading than helpful. Two facts, however, stand out: Benedict Biscop had brought many books to the north and Abbot Ceolfrith added greatly to them.[1] In the second place, even the earliest works of Bede, though they may show little originality, make it abundantly clear that he had already then read widely, doubtless far more widely than any of his school-fellows. It is well to remind oneself, moreover, in order properly to appraise the magnitude of Bede's achievement, that Latin was a foreign language to the people of England. Bede's mastery over Latin idiom, like the German Einhard's a century later, is the more astounding.

Bede's earliest treatises—*De arte metrica, De schematibus et tropis, De orthographia* [2]—were intended for school

[1] Bede, *Historia abbatum*, 4, 6, 9, 11, 15.

[2] The *De arte metrica* and *De orthographia* should be consulted in volume 7 of Keil's *Grammatici Latini*: the *De schematibus et tropis* in Halm's *Rhetores Latini Minores*.

use. They prove that he was brought up on, and, when he became himself a teacher, adapted and excerpted such writers as Donatus, Charisius, Audax, Caper, and other grammarians of the later Roman imperial age. Wide reading from the first in the Old and New Testament, doubtless accompanied by much memorisation, gave Bede an unrivalled knowledge of the Bible text. In all his works Biblical citations from every part of the Sacred Writings abound; but from no book does the former choirboy quote more frequently than from the Psalms.

The attitude of leading churchmen to pagan literature had varied from age to age, and continued to vary after Bede's time. Amongst the Fathers, Basil the Great and Jerome adopted the most liberal, Gregory I the most hostile, position.[1] In England during the seventh century the two tendencies are well represented by Aldhelm and Bede. Aldhelm's poetry is steeped in Virgil, and in his prose writings he parades the tortuous and artificial conceits of the late imperial rhetorical schools. Bede, as we might expect from a profound admirer of Gregory I, in his early works makes very sparing use of illustrations from pagan authors. The *De schematibus et tropis* contains but one non-Biblical citation, and in the other two treatises also examples from the Bible and from Christian authors preponderate. Still, there is a fair array of quotations from classical sources which can easily lead the unwary astray. We must not be misled by the occurrence of single lines from Terence, Lucretius, Varro, Lucilius, the *ars poetica* of Horace, Martial, or Sallust; for, if we look a little further, we find the identical quotations in the grammarians used by Bede or else in the *Etymologies* of Isidore.[2] Then, too, a tersely expressed sentiment, particularly if it were in verse and in conformity with Christian teaching, might become part

[1] For a fuller discussion of this topic, cf. my *Thought and Letters in Western Europe*, pp. 26 ff., 80–1, 166 ff.

[2] Line 763 from Terence's *Eunuchus*, cited in *De orthographia* (291, 22), doubtless comes from a grammarian, though it is not found elsewhere in Keil.

of the teacher's stock-in-trade, and its original source be forgotten. The line of Juvenal,

Crescit amor nummi, quantum ipsa pecunia crescit [1]

was cited by Isidore; it is used by Bede, and it reappears in three places in Christian of Stavelot's commentary on Matthew.[2] Neither Bede nor Christian seems to have known the author of the line. In fact, the one poet of the classical period whom Bede can be safely said to have known at first hand was Virgil. True, many of the Virgilian quotations are found in the grammarians, but there is a good sprinkling of those that do not appear to come from an intermediate source. Furthermore, Virgil was a favourite author of the Irish, and his works were certainly in England before Bede's time. Their extensive use by Aldhelm is sufficient proof of this. Bede refers in different ways to the poet. Sometimes it is directly by name. *Lege in Virgilio*, he writes in his commentary on Samuel,

Loricam consertam hamis auroque trilicem.[3]

Or again, in the commentary on the General Epistles: *iuxta illud Maronis*,

Dat sine mente sonum.[4]

At other times the allusion is more vague. *Cui simillimum est illud etiam saecularium litterarum:*

Qui candore nives anteirent, cursibus auras.[5]

Unde poeta dicit[6] is yet another turn, while sometimes a citation is introduced without any preparation at all.[7] In

[1] Juvenal, 14, 139.

[2] Bede, *P.L.*, 91, 1025A. For Christian, see my article in *Harvard Theological Review* 20 (1927), p. 137, note 30.

[3] *Aen.*, 3, 467 in *P.L.*, 91, 611D.

[4] *Aen.*, 10, 640 in *P.L.*, 93, 74A.

[5] *Aen.*, 12, 84 in *P.L.*, 91, 721A.

[6] *P.L.*, 91, 745D, introducing *Aen.*, 3, 126–7.

[7] E.g., *P.L.*, 91, 400D and 1019C.

one such case Bede's memory failed badly; for the line in the *Second Eclogue*,

Lac mihi non aestate novum, non frigore defit,

appears thus:

Nec tibi lac aestate novum nec frigore desit.[1]

There are two quotations from Ovid's *Metamorphoses* in the commentary on Genesis; but the former—three lines from Book 1—is to be found in Isidore of Seville.[2] The other—a single line from Book 4—I have not been able to trace in any intermediate source;[3] yet it seems very doubtful whether Bede had read the poem, a doubt which applies to Aldhelm also.[4] A few other Ovidian tags in Bede's early treatises are all to be found in the grammarians. The evidence for some acquaintance with Lucan is stronger, though not conclusive. Bede quotes six lines from the *exordium* of the *Pharsalia*, introducing them with the remark, "an ancient poet being about to describe the battles of Caesar and Pompey begins thus."[5] In one of his scientific treatises Bede cites twelve lines of Ausonius, but it is questionable whether he knew the poet's name.[6] The classical prose-writers, with one exception, have left little discoverable trace. In the *De orthographia* we light upon a few words from Cicero's *Pro Cluentio* not quoted by extant grammarians, and a sentence attributed to Cicero but still unidentified.[7] In one of the Biblical commentaries Bede reproduces the famous sentence from Suetonius' *Life of Claudius; Claudius Iudaeos, inpulsore Christo assiduo*

[1] *Ecl.*, 2, 22 in *P.L.*, 91, 1019C.

[2] Ovid, *Met.*, 1, 84–6 in Isid., *Etym.*, 11, 1, 5.

[3] Ovid, *Met.*, 4, 58 in *P.L.*, 91, 126C.

[4] The only evidence given by Ehwald in his edition of Aldhelm (*M.G.H.A.A.*, 15) is that two of the riddles exhibit similarities to two passages of the *Metamorphoses*.

[5] Keil, *Gramm. Lat.*, 7, 245, 9 ff.

[6] *De temporum ratione*, ch. 16. I owe this reference to the thesis of C. W. Jones named below, p. 76, note 1.

[7] Keil, *op. cit.*, 7, 267, 18 and 269, 2–3. The second citation—*solis innocens acclamationibus punitus est*—is not in the *Thesaurus* (s.v. *acclamatio*). A possible allusion to Livy appears in Keil, *op. cit.*, 7, 292, 18.

tumultuantes, Roma expulit.[1] But although the citation does not appear in Rufinus' translation of Eusebius' *Ecclesiastical History*, a work constantly used by Bede in this and other commentaries, its character is such that we can safely assume a Patristic author to have been the intermediate source. The one exception to which I have just referred is the *Natural History* of Pliny the Elder. The Second Book of this work was used extensively by Bede in his scientific treatises; he seems also to have known Books 4, 5, 6, 13, and 16, but there is nothing to show that he knew the later books of the *Natural History*.[2] Of the Christian poets there was evidently a large selection at Jarrow, and Bede studied and loved them. Not only did he use them for purposes of illustration in his early school-treatises in preference to classical poets, but he constantly quotes from them in his later works. Ambrose, Juvencus, Prudentius, Paulinus of Nola, Sedulius, Prosper, the *De virginitate* and some other poems by Fortunatus, and Arator [3] are all represented. Less known than any of these is Cyprianus Gallus, from whose epic on the Pentateuch Bede quotes fifteen lines. The epic is in hexameters, but there are several insertions in lyric metres. One of these serves Bede as an example of the Phalaecian.[4] It is an interesting fact that the same poet was known also to Bede's older contemporary, Aldhelm.

[1] Suet. *Claud.*, 43 in *P.L.*, 92, 981B. All the Bede manuscripts that I have seen read *Christo*, not *Chresto*.

[2] Cf. below, pp. 77 and 86. In *P.L.*, 92, 1023D–1024A Bede transcribes a sentence from Pliny, *N.H.*, 16, 9. Jones in his thesis (cf. below, p. 76) is justified in arguing that it is inconceivable that Bede knew Book 18, else he could not have failed to use it when writing the *De temporum ratione*. That there was in Bede's time a complete manuscript of the *Natural History* in England can, I think, be ruled out. Extant manuscripts of Pliny, it is true, number over 200, but those of the earlier group contain only small portions of the whole, while even in the later group very few manuscripts are approximately complete.

[3] Bede used Arator especially when writing his commentary on Acts. One of the earliest manuscripts of the latter (Paris, Bibl. Nat., *lat.* 12284; saec. ix) also contains Arator's poem. At Manchester, MS. Rylands 107 contains Bede's commentary amplified by many citations from Arator, to illustrate passages in Acts not elucidated by Bede.

[4] Keil. *Gramm. Lat.*, 7, 254, 16–30.

If one views Bede's work as a whole, one must say that his attention to theology, and especially to exegesis, came first and never waned throughout his life. But his scientific attainments, particularly for the age in which he lived, were far from negligible. The practical application of mathematics to chronological problems was of absorbing attraction to him and bore fruit in the early work, *De temporibus*, and in the more elaborate composition of his mature years, the *De temporum ratione*, finished in 725. Between these two he composed the brief cosmological treatise, *De natura rerum*. For his special interest in chronology there was a general and a particular reason. A satisfactory chronological system applicable to world history—a chronological framework into which all historic events since the creation of the world could be fitted—seemed essential to one with as strong a historical sense as Bede. For it may be observed in passing that, apart from the *Ecclesiastical History*, which by universal consent is the supreme example of Bede's genius, the interest in historical occurrences and in chronology meets one at every turn in his numerous Biblical commentaries. A more special reason for the chronological treatises is the practical application of time-reckoning to the Easter question, which, as is well known, was a matter of hot dispute between the Roman and Celtic Churches before and during Bede's day. A most competent investigation by a young American scholar, Dr. Charles W. Jones, has demonstrated, amongst other things, that Bede's library on Easter calculation or the Paschal Question was by 725 astonishingly complete. It comprised not only the better known Patristic writings in which this question was discussed, but special treatises like those of Dionysius Exiguus, Victor of Capua, and Polemius Silvius.[1]

[1] Charles W. Jones, *Materials for an edition of Bede's De temporum ratione*, a thesis presented for the degree of Doctor of Philosophy in June, 1932. Two typewritten copies of the work are in the library of Cornell University.

Bede's historical library was serviceable, though not specially remarkable, comprising Josephus, Jerome's translation of Eusebius' *Chronicle*, Rufinus' version of Eusebius' *Ecclesiastical History*, Orosius, Eutropius, a good selection of chronicles, including that by Marcellinus Comes,[1] and, for literary history, Jerome's *De viris illustribus* with Gennadius' continuation. To this list may be added the *Liber Pontificalis* and the chronological treatises referred to in connection with Bede's scientific books, and finally Gildas. However, since the sources for the *Ecclesiastical History* have been investigated by Plummer, we may turn at once to the commentaries. Bede's use of Rufinus, and of the historical information scattered through the many works of Jerome with which, as will be seen, he was familiar, needs no further discussion; but a word or two about two passages from Marcellinus and about Josephus will not be out of place. Bede's commentary on Mark contains a long story about the finding of John the Baptist's head and the chapter of accidents by which this precious relic came to be buried at Edessa.[2] The whole of this narrative is adapted from Marcellinus. Bede also referred to that author in his commentary on the Catholic Epistles, but apparently cited from memory with unfortunate results. In commenting on the words, "for every kind of beasts, and of birds, and of serpents, and of things in the sea, is tamed and hath been tamed of mankind,"[3] he gives two illustrations. One he attributes to Pliny, the other to Marcellinus; both attributions appear to be wrong. The tale, said to be from Pliny, of an Egyptian asp, which was tamed by the father of a family and came regularly every day from its lair to get its food-allowance (*annona!*), does not seem to be in the *Natural History*. The story from Marcellinus is to the effect that the emperor Anastasius

[1] For the sources of Bede's *Chronicle*, cf. Mommsen's edition in *M.G.H.*: *Chronica Minora*, 3.

[2] *P.L.*, 92, 192D–193A; Marcellinus in *M.G.H.A.A.*, 11, 84–5.

[3] James, 3, 7; *P.L.*, 93, 28A–B.

received from India a present of a tame tiger. Actually Marcellinus relates that in A.D. 496 "India sent to the emperor Anastasius as a gift an elephant, which our poet Plautus calls *lucabus*, and two giraffes".[1] There is not a word concerning tigers; but, on the other hand, a tame tiger was, according to Pliny, one of the sights when the theatre of Marcellus was formally dedicated in 11 B.C.[2] While I hesitate to ascribe to Bede a confusion of Marcellus with Marcellinus, there is not any doubt that he confused his references. The source of the asp-story has so far eluded me.

Bede's acquaintance with the writings of Josephus is a matter of considerable complexity. If, for example, we take the commentary on Acts, we find that five out of six passages in which Josephus is mentioned by name come not directly from him, but from Rufinus' version of Eusebius. The sixth passage refers to an Old Testament episode in Josephus, but it is not clear whether Bede was using a Latin translation of the *Antiquities*, or an intermediate source, or the Greek original. The same is true in the case of a reference found in Bede's *Retractations*. But, indeed, appeals to the authority of Josephus are exceedingly numerous in our author, particularly in the commentaries devoted to the historical books of the Old Testament.[3] In his *Epistle to Plegwin* Bede quotes *verbatim* a passage from the treatise against Apion; nevertheless comparison makes it evident that he did not use the Cassiodorean version.[4] So much is certain: some of Bede's citations or adaptations from Josephus were made directly from that historian, while others were taken over from Rufinus or perhaps from Jerome. But whether Bede read Josephus in the original Greek must remain undecided still. It seems by no means impossible that he did. I cannot leave the subject of Bede's historical studies without pointing out that he quotes in one place

[1] *M.G.H.A.A.*, 11, 72.
[2] Pliny, *N.H.*, 8, 65.
[3] E.g., *P.L.*, 91, 547C, 721C, 722A, 848A, 859B, 876D.
[4] See Boysen's edition in *C.S.E.L.*, 37.

some lines from his great predecessor in the art of historical composition, Gregory of Tours.[1] It is also interesting to find that the oldest manuscripts of the *Retractations*—headed by one written in the first half of the ninth century [2]—gives the name of the author cited as *Georgius*, not *Gregorius*. Georgius Florentius was the name of the historian of the Franks, who adopted that of Gregory in memory of his maternal great-grandfather.

It is, however, only when we investigate the Patristic authors known to Bede that we get a full insight into the breadth of his studies, and, incidentally, into the remarkable richness of the library or libraries to which he had access. I propose to speak in some detail of Bede's two commentaries on Acts, and then to supplement this by some reference to his other exegetical works. The *Commentary* and the *Retractations on Acts* are especially instructive for our purpose, because, while they seek to elucidate the same book of the New Testament, they were written by Bede at different times of his life. The one was composed some time between 709 and 716, the other not till after 731.[3] In 1896 the late Charles Plummer remarked in his edition of the *Ecclesiastical History*: "a really critical edition of Bede which should show exactly how much he borrowed and how much is original is a great desideratum; 'necdum illud merui videre.'"[4] In 1933 the stigma still attaches to England and to English scholarship that all but one of the works composed by one of the greatest of her scholars must be read in an edition

[1] *P.L.*, 92, 1032B; Greg. Turon, *H.F.*, 5, 26 (34), a description of a severe epidemic that visited Gaul in A.D. 580.

[2] Karlsruhe, *Augiensis LXXVII*. For a full description of this manuscript, which contains both the Acts commentaries, see A. Holder, *Die Reichenauer Handschriften*.

[3] The *Retractations* is not included in Bede's own list of his writings appended to the *Ecclesiastical History* (5, 34) and was therefore written after that work. The interesting reference in the *Retractations* (*P.L.*, 92, 1027D) to a living Pope must accordingly be to Gregory III, who became Pope in 731.

[4] *Hist. Eccles.*, 1, p. xxiii, note 3.

which, even for the time when it was published, was a disgrace, or else in the slightly emended reprint of Giles' text reproduced in Migne's *Patrologia Latina*. It is difficult to believe that, had Bede been a native of France or Germany, he would have suffered such long neglect in the country of his birth. It may here be further remarked that a proper understanding of Bede's methods as a commentator will help to illuminate the general practice of the medieval scholar, save that, at least in the earlier centuries, few approached within measurable distance of his standards.

The truth is that modern critics are still far too vague in their treatment of such questions. Medieval scholars commonly did not indicate at all the works from which they borrowed, or, if they did, usually thought it sufficient to give the author's name. If that author was a *vir unius libri*, no great trouble ensues; but a general reference to Augustine or Jerome or Gregory the Great is a very different matter. To say, as has often been done, that this or that medieval writer knew or used Augustine, really tells one nothing in view of the African Father's enormous literary output. Bede himself seems to follow no consistent practice. Not infrequently he gives a writer's name and no more; occasionally—but considering how much he wrote, it is not often—he names the work as well.[1] Far more commonly, however, there is no indication in the text that a phrase, or a sentence, or even a paragraph has been taken over from a previous writer. To every one quotation attributed by name to Gregory the Great one can find ten or a dozen in Bede's works that are outwardly indistinguishable from Bede's own comments. Bede's own usage, it is true, was also to indicate in the margin the sources from which he borrowed, and he requested his copyists not to omit these signs. Until very recently it was universally assumed that all medieval

[1] For instance, *Cyprianus in libro de habitu virginum* (*P.L.*, 93, 46D) or *Hieronymus in historia beatae Paulae*, that is to say, *Epistle* 108 (*P.L.*, 92, 958A).

scribes had ignored his request. But in 1926 Father Sutcliffe pointed out that two extant manuscripts of Bede's commentary on Mark preserve these source-indications for the borrowed material from the four Doctors of the Church. More recently the present writer has found similar source-marks, wholly or partially preserved, in sixteen other manuscripts of the same commentary, and, besides this, *marginalia* of a like character in nine manuscripts of the commentary on Luke.[1] Even so the modern editor is still far from his goal, if he only knows that such and such a quotation was taken by Bede from one of these Fathers. Moreover, if we would reach a proper estimate of what the English libraries in Bede's time contained, we must seek to ascertain not merely what authors, but what works by those authors, were then available in our island. For example, a copy of Augustine's *Retractations* in the Mayence library about the middle of the ninth century had all those works by Augustine marked which were then in that collection. While the list numbers forty-eight items, the *De doctrina Christiana* and other notable works are absent.[2] Even the cathedral library at Lyons, which in the time of Deacon Florus possessed a magnificent body of Augustinian writings, probably did not own all his works.[3] These examples of rich collections, however, belong to a time when, under the influence of the Carolingian Revival, *scriptoria* had greatly multiplied, and many of these kept working at full pressure for years. How much more restricted, then, must the resources of Wearmouth-Jarrow, of York, and even of Canterbury have been at the beginning of the eighth century, notwithstanding the scholarly zeal of Theodore and Hadrian in the south and of Benedict Biscop and Ceolfrith in the north of England.

[1] E. J. Sutcliffe, S.J., in *Biblica*, 7 (1926), pp. 428–39; M. L. W. Laistner in *Journal of Theological Studies* for October, 1933.

[2] W. M. Lindsay and P. Lehmann in *Palaeographia Latina*, 4 (1925), p. 37.

[3] On the Lyons *scriptorium*, see S. Tafel in *Palaeographia Latina*, 4 (1925), pp. 40 ff.

The following sources, so far as I have been able to trace them, were consulted by Bede in writing his commentary on Acts:[1] of Gregory the Great the *Homilies on Ezekiel* and *on the Gospels*, the *Pastoral Rule*, and the *Moralia*. Ambrose is represented by the treatise, *De Spiritu Sancto*, Augustine by the *De consensu evangelistarum*. *Quaestiones in Heptateuchum*, and the *De Genesi ad litteram*. Arator's poetic version of Acts is mentioned in general terms by Bede in his preface and is cited ten times in the commentary itself. But the author to whom Bede in this work is most constantly indebted is Jerome. Thus, he knew and used the commentaries of Jerome on Isaiah, Jonah, Ezekiel, Matthew, Galatians, and probably that on Amos. Further, he was familiar with Letters 53, 71, 108, and 112,[2] with the treatise against Helvidius, and with that on Hebrew names and places; he also quotes several times from the *De viris illustribus*. Near the end of the commentary a lengthy quotation is rounded off with the statement: *haec de beati Didymi libris excerpta hunc in nostris opusculis teneant locum*. Actually Bede used Jerome's translation of Didymus' treatise, *De Spiritu Sancto*; he had already cited from it without acknowledgement in an earlier chapter of his commentary.[3] But the most surprising discovery is that Bede knew and cited—again without any reference to the author—the short commentary of Jerome on the Psalms which, long believed to be lost, was only recovered and published in 1895 by that eminent Benedictine scholar, Dom Gustave Morin.[4]

[1] Full indications of Bede's sources will be given in my forthcoming edition of the *Commentary* and *Retractations on Acts*.

[2] As with Pliny's *Natural History*, so here it is unlikely that Bede had access to a complete collection of Jerome's correspondence. For, as Hilberg (*C.S.E.L.*, 54, p. v) points out: *inter codices qui alicuius pretii habendi sunt, ne unus quidem omnes epistulas conplectitur.*

[3] *P.L.*, 92, 994A–B quoting from *P.L.*, 23, 129A, 129B, 105C–106A. The earlier quotation will be found in *P.L.*, 92, 954D and comes from *P.L.*, 23, 151A and B.

[4] Published in *Anecdota Maredsolana*, III, part 1. Bede cites from these *Commentarioli* five times.

There are fourteen places in the Acts commentary where Isidore's *Etymologies* have been consulted, and about a dozen in which Bede either quotes verbally or else adapts passages in Rufinus' *Ecclesiastical History*. He also refers his readers in one place to the *Shepherd* of Hermas, calling it *Liber Pastoris*, if they wished for further information concerning guardian angels. The passage that Bede presumably had in mind was Vision 5 in that work. The Greek original of the *Shepherd* was only recovered in the middle of last century, but the book was well known to the Middle Ages in translation. Two Latin versions survive, of which one, called the *versio vulgata*, is preserved in many manuscripts; it was undoubtedly this rendering to which Bede had access. In the second chapter he copies without acknowledgement a whole paragraph from Rufinus' translation of the oration on Pentecost by Gregory of Nazianzus. Years afterwards he referred to this quotation in the *Retractations*, because he had been criticised for the views expressed on the miracle of tongues. He silenced his detractors by an appeal to the authority of the "holy and in every way irreproachable master, Gregory of Nazianzus." [1] Lastly it would appear that Bede had seen the Latin translation, made by Evagrius, of Athanasius' *Life of St. Antony*. The words, "and after three months we departed in a ship of Alexandria, which had wintered in the isle, whose sign was Castor and Pollux," [2] stimulated Bede to explain to his readers who Castor and Pollux were. He adds a word concerning the sailor's superstition that, if one of Gemini is seen at the mast-head, the passage will be stormy; if both appear, the ship will enjoy a fair voyage. From the explanation of Castor and Pollux, which is based on Isidore,[3] Bede passes on to their mother, Leda, whom he calls the wife of Theseus, and to her gallant adventure with Jupiter disguised as a swan. From this union

[1] *P.L.*, 92, 947B–D = *C.S.E.L.*, 46, 160, 17–161, 11. Reference to Gregory: *ibid.*, 999D.

[2] Acts xxviii., 11.

[3] Isid., *Etym.*, 15, 1, 40.

Helen was born. Hence, he adds, the saying: *iste modulatus ales Ledaeos petivit amplexus.* These words are taken from the *Life of St. Antony.*[1] Now this biography is also mentioned by Aldhelm in a general way, although there is nothing to show that he knew more than the name. The fact that Bede cited from this book shows that at least one copy of it existed in England. Had Aldhelm's latest editor, Ehwald, known this evidence, he would perhaps have been more ready to believe that Aldhelm had read Evagrius' translation.[2]

In the *Retractations on Acts*, which the oldest extant manuscript calls *liber secundus expositionis in actus apostolorum*, Bede's primary interest is in textual criticism, and particularly in comparing the Greek original with the Latin versions of the Bible text that were at his disposal. The sources that I have been able to trace are: Jerome's commentary on Ezekiel, the treatise on Hebrew names, and Letters 71, 108, and 112; Rufinus; two quotations from Hilary's *Tractate on the Second Psalm*, and one each from Cyprian's *Liber Testimoniorum* and Fulgentius' anti-Arian dissertation addressed to the Vandal king, Thrasamund. There are also single references by name to Eusebius' *Chronicle*, Josephus—a passage not taken from Rufinus—and Hippocrates *in Aphorismis*—that is, one of the medical treatises in Latin passing under Hippocrates' name in the Middle Ages. Augustine is represented by the *De consensu evangelistarum*; but there are some other Augustinian quotations that so far I have been unable to trace. To the passage from Gregory of Tours allusion has been made in another context. Lastly there are two works of a hagiographical character which, it may be suspected from the length of the citations and the interest they clearly aroused in Bede, had only recently come into his hands. The first

[1] Migne, *Patrologia Graeca*, 26, 75 (= *Acta Sanctorum*, 2, 97). These texts read *expetivit.*

[2] In *M.G.H.A.A.*, 15, 265, note 1, Ehwald observes: *num Evagrii versionem noverit Aldhelmus, ex eis quae dicit, parum constat.*

was the *De transitu Beatae Virginis*, falsely attributed to Melito, bishop of Sardes.[1] Bede was quite aware that it was a later forgery, and criticised it severely because its evidence conflicts with the testimony of St. Luke on a point of chronology. The second was Avitus of Bracara's Latin version of Lucian of Caphar Gamala. This last-named writer in A.D. 415 had published an account of the miraculous discovery of St. Stephen's relics. From this curious narrative Bede copied a whole page into that part of his commentary which elucidated the martyrdom and subsequent burial of the saint.[2]

One of the objects that Bede kept steadily in view when he composed the *Retractations* was to correct errors in his earlier commentary. References to two examples must suffice, both, as it happens, bearing on his acquaintance with pagan rather than Christian writers. In the *Commentary* he had explained the word *scapha*, a small boat, by a quotation from Isidore. In the *Retractations* he remarks that he had since perused the writings of others and had discovered that the true definition of *scapha* was not that given by Isidore, but a kind of canoe hollowed out of a single log. C. W. Jones has quite lately published the interesting discovery that by " other writers " is meant Vegetius' pamphlet on military tactics, from which Bede had already extracted information for his *De temporum ratione* and the *Ecclesiastical History*.[3] My second instance shows how Bede, good scholar though he was, neverthe-

[1] Bede does not exactly give this title, but describes the author as, *librum exponens de obitu beatae genitricis Dei*. See *P.L.*, 92, 1014C.

[2] There is a clear allusion to the same narrative in the *Comm. on the Epist. of James* (*P.L.*, 93, 24D). Now, while we know from Bede himself (*P.L.*, 92, 940B) that his commentary on the Epistles of John was sent to Acca at the same time as that on Acts, it is inconceivable that, if Bede had at that time known Avitus' translation, he would not have used it for chapters 7 and 8 of Acts. Thus we must assume, what is inherently probable, that Bede's expositions of the Seven Catholic Epistles were composed at different times. When all had been written, he added a general preface, and issued them as a single work, although privileged friends like Acca had already seen the separate parts as they first appeared.

[3] See *Classical Review*, 46 (1932), pp. 248–9.

less, like Homer, occasionally dozed. In Acts xx. 14 we read: "and when he met with us at Assos we took him in and came to Mytilene." On this verse Bede remarks:

"in my first book, following Plinius Secundus, I wrote that Mytilene is an island opposite Asia; but the same Pliny also writes in another place that Mytilene is a town in the island of Cyprus. We may believe both these statements to be true, but nevertheless that Paul and his companions on this occasion came not to the island of Cyprus but to the Asiatic island. For it is attested that much later, and after he had travelled through many districts, he appeared off Cyprus but did not land there." [1]

The last allusion is to Acts xxvii. 4, when Paul was on his way as a prisoner to Rome: "and when we had launched from thence, we sailed under Cyprus, because the winds were contrary." The original information from Pliny may be found in the fifth Book of the *Natural History* (5, 139), where a list of Lesbian towns, including Mytilene, is given. But the supposed additional information—that there was also a Mytilene in Cyprus—is a myth; for Bede, I regret to say, misunderstood his authority. In the thirteenth Book (13, 10) Pliny discusses various drugs and says of one: *optimum hoc in Cypro, Mytilenis, ubi plurima sampsuchus.* Pliny has indulged his rather common habit of *asyndeton,* but Bede, not realising this, has construed *Mytilenis* in apposition to *Cypro.* Yet this, and perhaps some other trifling errors, must not blind us to the mature excellences of the *Retractations.* The book seems to me to be on a different plane to the other commentaries. Bede's judgement in his textual criticism is sound, his handling of quotations from the original Greek shows that his knowledge of that language near the end of his life was substantial, not superficial, and all through there appear to be much more of Bede's own thought and far greater independence of authorities than in his other exegetical works. In short, the *Retractations* is worthy to be

[1] *P.L.*, 92, 1028B.

set beside the *Ecclesiastical History* as an achievement of ripe scholarship.

It is not possible to give more than a short survey, which makes no claim to being complete, of the source material from the Fathers found in Bede's other commentaries. Gregory the Great's works are constantly used, but it is often laborious to locate passages from them in Bede. The modern editor is helped to some extent by two collections of excerpts from Gregory's work made respectively by Paterius, a contemporary of that Pope, and by Alulfus, monk and librarian of St. Martin at Tournai in the first half of the twelfth century. Both collections are printed as an *addendum* to Gregory's works in Migne, and precise references to the place whence each extract is taken are added. Paterius' *Liber Testimoniorum* provides a briefer selection, but the extracts illustrate Gregory's exposition of both the Old and the New Testament. Alulfus takes only Gregory's exegesis of the New Testament into account, but, within these limits, gives a much fuller selection than his predecessor.[1] It may be said at once that Bede did not use Paterius. For one thing, there are many citations from Gregory in Bede that are not found in the *Liber Testimoniorum*. Besides this we have Bede's own expression of regret that he could not obtain Paterius. He had heard that this man, a disciple of Gregory, had made a collection in one volume of Gregory's utterances on the whole of Sacred Scripture. "If I had this work in my hands," he continues, "I could more easily and more completely carry out what I wish."[2] Two extracts from Cyprian's *De habitu virginum* and one from the same author's *De zelo et livore* find a place in the commentary on the Catholic Epistles.[3] Father Sutcliffe has shown that in the

[1] Both *florilegia* in *P.L.*, 79.

[2] *P.L.*, 91, 1223B.

[3] *P.L.*, 93, 46D = *C.S.E.L.*, 3, 192, 2–11; 55A = 193, 27–194, 4; 66C = 420, 1–18. There appears to be an allusion to Cyprian's *De lapsis* in *P.L.*, 91, 434D. The same work is quoted in Bede's *Martyrology* (for 22 May), but as Bede's share in this compilation is uncertain, this evidence must not be pressed.

commentary on Mark the following works of Augustine were used by Bede: the *De consensu evangelistarum*, *Quaestiones in evangelium*, *Enarrationes in psalmos*, and some sermons. We have already seen that the first of these treatises was used in both the commentaries on Acts; more remarkable still is Bede's indebtedness to it in his long preface to the commentary on Luke, two-thirds of which is copied verbally from Augustine.[1] Bede himself acknowledges in a general way his obligation to Augustine's *Tractates* on the First Epistle of John,[2] and he groups together, as aids to the interpretation of Genesis, the *De Genesi ad litteram* and *de Genesi contra Manichaeos*, the *Confessions*, and also "the admirable compositions written against the enemy of the Law and Prophets."[3] This last can only mean the treatise, *Contra Faustum*, the main purpose of which was to defend the Old Testament against the attacks of the Manichaean bishop. It is known, moreover, that Bede was familiar with it, since he cites from it in the *De temporum ratione*. Elsewhere he quotes from the *De sancta virginitate*[4] and refers his readers to a book which he calls *Liber de mendacii generibus octo*. As he does not appear to give extracts from it, it is not clear which of two Augustinian tracts, *De mendacio* or *Contra mendacium*, he means.[5] His *Letter to Plegwin* contains passages from Augustine's fifty-sixth letter, from the *Tractate on Psalm 6*, and from the fifteenth Book of the *City of God*.[6] However, Bede's debt to Augustine cannot be finally determined until all Bede's works have been critically edited; it is enough here to add one more to the list of Augustinian books known to our author. Bede, himself a great teacher, was familiar, one is glad to know, with

[1] *P.L.*, 92, 305–6. = *C.S.E.L.*, 43, 4, 4–5; 6, 3–7, 3; 9, 3–10, 14.
[2] *P.L.*, 92, 940B.
[3] *P.L.*, 91, 9–10A.
[4] *P.L.*, 93, 173D–174A = *C.S.E.L.*, 41, 263, 7–264, 4; 264, 17–19.
[5] *P.L.*, 91, 650B. Both treatises of Augustine will be found in *C.S.E.L.*, 41.
[6] *P.L.*, 94, 672C–673A; 673C–D; 674C–D.

that greatest of Christian educational treatises, the *De doctrina Christiana*. To his commentary on the Apocalypse he prefixed a long introduction in which he devoted much space to a summary of Tyconius' seven rules of Scriptural interpretation. This long disquisition, including some Biblical quotations, is transcribed *verbatim* from Augustine's fuller summary of the Donatist teacher, introduced at the end of Book 3 of the *De doctrina Christiana*.[1] Here it may be observed that the degree of Bede's indebtedness to Tyconius' exposition of the Apocalypse still awaits investigation; indeed, it may be doubted whether a final estimate will ever be possible, because Tyconius' book has not survived and its contents are only recoverable from contemporary critics or subsequent commentators.[2]

Of Ambrose, besides the short *De Spiritu Sancto*, Bede had certainly read the *Hexameron*, the briefer *De Noe et arca*, and the commentary on Luke.[3] To the list of Hieronymic writings already given above can be added the diatribe against Jovinian, the commentary on Daniel, and the Martyrology.[4] Other Bible commentaries utilised with

[1] *P.L.*, 93, 129D–134A, abbreviated from *P.L.*, 34, 82–90.

[2] As Bede in his commentary on the Apocalypse names Tyconius no less than ten times, the quotations thus introduced may prove to be all that he borrowed. The care taken to indicate the source in the text, and not merely in the margin, was probably due to the fact that Tyconius was a heretical writer.

[3] Bede himself wrote commentaries on Genesis and on Luke, and he refers to his great predecessor by name in this connection. Cf. *P.L.*, 91, 10A. *De Noe et arca*, as Jones has shown, was also used for the *De temporum ratione*.

[4] There are two citations in the *Comm. on the Cath. Epist.* from the *adv. Iovinianum*, viz., *P.L.*, 93, 14B–C (cf. *P.L.*, 23, 286D–287A) and 79B–C (cf. *P.L.*, 23, 287C). The *Comm. on Daniel* is cited in Bede on the Apocalypse—*P.L.*, 93, 154C (cf. *P.L.*, 25, 579B). The *Martyrology* is described briefly in Bede's *Comm. on Mark* (*P.L.*, 92, 192D): *in Martyrologio quod Eusebii et Hieronymi vocabulis insignitum est.* In his later *Retractations* he writes as though anxious to correct erroneous notions about that work: *liber martyrologii qui beati Hieronymi nomine ac praefatione adtitulatur; quamvis idem Hieronymus libri illius non auctor sed interpres, Eusebius autem auctor extitisse narretur.* A new edition of Jerome's *Martyrology*, with a most valuable introduction by Delehaye, was published in 1931 in *Acta Sanctorum*, November II, pars 2.

or without acknowledgement by Bede were Cassiodorus' book on the Psalms, itself largely culled from Augustine, and Primasius on the Apocalypse;[1] and in the *De temporum ratione* he borrows in two places from a commentary on Job by a Philippus. This writer is believed to be identical with a priest of the same name who was a pupil of Jerome. The commentary attributed to him exists in a shorter and a longer version, and it is from the latter that Bede quotes.[2]

It would not be proper to conclude this survey of Bede's sources without some mention of the Greek Fathers. Only a few observations can be offered because the problem is a very intricate one and calls for separate investigation. If we except certain short, technical treatises consulted by our author on the Easter reckoning, the number of Greek theologians whom he names is not large. Origen is criticised several times as a heretical writer, or else a biographical detail about him is given. In the commentary on Genesis there is an appeal to his authority on the structure of Noah's ark. Origen's homilies on Genesis, as well as on some other books of the Bible, were, however, translated by Rufinus. It was probably from this version of the Second Homily that Bede took his information, but he does not cite it *verbatim*.[3] In his preface to the same commentary Bede makes a general acknowledgement to Basil the Great's *Hexameron*, adding the useful information that this book had been rendered into Latin by Eustathius. Later, in the commentary itself, Bede proceeds to quote at length from the Latin version.[4] Again, he mentions Clement of Alexandria eight times. One of these passages contains a biographical item. The remaining

[1] On Bede and Cassiodorus cf. Lehmann, *Philologus*, 74 (1917), pp. 359–60 and my *Thought and Letters*, p. 73, note 2. For Primasius, cf. *ibid.*, p. 85, note 1.

[2] The identification of Philippus rests on Gennadius' authority, *De viris illustribus*, 62.

[3] *P.L.*, 91, 91A–C; cf. *Patrologia Graeca*, 12, 161–75.

[4] *P.L.*, 91, 16B–C = *Patrol. Graeca*, 30, 887B–C.

seven are citations, but four of them are taken word for word from Rufinus' *Ecclesiastical History*.[1] It is safe to assume that the other three were also borrowed by Bede from an intermediate source. A citation from Evagrius' translation of Athanasius' *Life of St. Antony* has already engaged our attention. In Bede's commentary on Nehemiah the redoubtable champion of orthodoxy in the Eastern Church is named in a general way together with Ambrose, Hilary, and Augustine.[2] In the preface to the commentary on the Catholic Epistles Athanasius' authority is quoted for the belief that the First Epistle of John was addressed to the Parthians.[3] I have been unable to find verification for this in Athanasius; on the other hand, it may be noted that an eminent Patristic scholar of our own time has stated that the words "to the Parthians" in the title of this Epistle first appear in Augustine.[4] The third mention in Bede of Athanasius introduces what is more probably a quotation than a paraphrase, but it is still unidentified.[5] Bede advised his readers to become acquainted with the "treatise of John Chrysostom on the theme that no one can be harmed by any one save himself."[6] In several other places he alludes to John of Constantinople. Plummer was uncertain how this designation was to be understood.[7] There is no doubt, however, that Chrysostom is meant; for in his commentary on Luke Bede reproduces and attributes to John of Constantinople certain chronological observations connected with the conception of St. Elizabeth and the dumbness of Zacharias, which are adapted from Chrysostom's homily on the Nativity.[8] The use by

[1] *P.L.*, 92, 131D–132D reproduces Rufinus, *H.E.* (*ed.* Mommsen), I, p. 141, 1–19. The other identified passages occur in the Acts commentary.

[2] *P.L.*, 91, 912C.

[3] *P.L.*, 93, 9B–10A.

[4] O. Bardenhewer, *Geschichte der altkirchlichen Literatur*, 4, p. 486, note 1.

[5] *P.L.*, 93, 58B.

[6] *P.L.*, 93, 56D.

[7] *Hist. Eccles.*, 1, note on p. li.

[8] *P.L.*, 92, 314B–C; cf. *Patrologia Graeca*, 49, 357–8.

Bede of Rufinus' translation of Gregory of Nazianzus has been illustrated in an earlier part of this essay.

We thus reach two general conclusions: only some of the material from the Greek Fathers came to Bede from the works themselves, and, even when this was so, it was a Latin translation, not the Greek original that he consulted. I do not know a single passage on whose evidence one could say with certainty that Bede had read a particular homily or treatise in the Greek. On the other hand, the number of cases where he demonstrably employed a translation is substantial. This is highly significant.

The information presented in the preceding pages is not meant to be exhaustive; nevertheless it will have achieved its purpose if it has placed Bede's attainments as a scholar in a clearer light. Bede's own statement in the famous biographical notice appended to the *Ecclesiastical History* is to the effect that he spent his whole life from the age of seven at Jarrow.[1] This must not be taken too literally, since it is clear from allusions elsewhere that he visited Lindisfarne and York.[2] One wonders whether he did not at some time visit Canterbury as well; for we have seen that certain rare, or at least unusual, books were known to both Aldhelm and Bede. Alternatively we must suppose that the loaning of manuscripts by one library to another, for purposes of collation or copying *in toto*, was already as fully developed as in Alcuin's day. Certainly Bede's working library, whether composed entirely or only in part of manuscripts owned by Wearmouth-Jarrow, was astonishingly large and diversified for that age. And he made the best use of it, even though it did not very greatly stimulate his own originality; for to be a scholar meant in his day, and for many years to come, being a traditionalist. Bede's importance lies not in his original ideas, but in the selfless devotion with which he digested much of the learning and doctrine of the Fathers and passed it on in a simpler and more intelligible form

[1] *Hist. Eccles.*, 5, 24.

[2] See Plummer's edition, 1, p. xvi.

to his own people and to later generations. The manner in which, in a comment of moderate length on a Scriptural passage, he will fuse into an organic whole quotations and adaptations from several authorities together with some observations of his own proves him a clear thinker and an admirable teacher.[1] What he set out to do and succeeded in doing was to some extent analogous to the aims of Caesarius of Arles and Gregory the Great. Both had, so to say, popularised a large portion of Augustinian doctrine for the men of their own time; even so Bede's contemporaries and subsequent ages received from him Patristic teaching, especially from Jerome and Gregory I, in a form better suited to their capacities than were the original works. It is not too much to say that Bede's authority, after his time, grew to be little inferior to that of the Four Doctors of the Latin Church. The immense popularity of his exegetical writings is proved by the survival in the European collections of innumerable manuscripts. There are seventy-seven extant manuscripts of the commentary on Acts, no less than fourteen of these having been copied before A.D. 900.[2] Even the *Retractations*, in spite of the advanced and somewhat specialised nature of the contents, survives in twenty-four *codices*. Jones, in an admittedly incomplete list, enumerates sixty-one complete manuscripts of the *De temporum ratione* and another twenty containing important sections from that treatise. In the summary

[1] The reader will find a good example in the Acts commentary (*P.L.*, 92, 942D–943C), where, in a discussion of the identity of James, son of Alpheus, passages from Jerome, Rufinus, and Isidore are combined with remarks of Bede himself.

[2] Yet it may be accounted remarkable that there is not a single early manuscript in Great Britain. Of five manuscripts in the British Museum, eight at Oxford, and one in Glasgow, only one (Bodl. canon. pat. lat. 222) is as early as the tenth century. Of the fourteen ninth-century manuscripts one, Paris, B.N. Nouv. Acq. 1630, contains only a few fragments. The manuscripts, Dijon 153, Oxford. Bodl. Laud. misc., 312 and 268, are not included in the figures given in the text. They contain different attempts to abbreviate the Acts commentary and to conflate it with portions from the *Retractations*. Nor is Manchester, Rylands 107 (cf. above, p. 75, note 3) reckoned herein.

lists of manuscripts in the Bibliothèque Nationale, published in the *Bibliothèque de l'école des chartes* from 1862 to the present time, will be found no less than forty *codices* of Bede. And this figure is for a single library and takes no account of Bede manuscripts bearing press-marks between 1 and 9,000. Evidence like this cannot be gainsaid. For seven centuries men turned to Bede the scholar for enlightenment and spiritual guidance. Can we doubt that not a few also were inspired by the single purpose and unswerving devotion to a noble cause of Bede the man? A great poet has drawn the moral of Bede's life for all time in moving words: [1]

> But what if One, through grove or flowery mead,
> Indulging thus at will the creeping feet
> Of a voluptuous indolence, should meet
> Thy hovering shade, O venerable Bede!
> The saint, the scholar, from a circle freed
> Of toil stupendous, in a hallowed seat,
> Of learning, where thou heard'st the billows beat
> On a wild coast, rough monitors to feed
> Perpetual industry. Sublime Recluse!
> The recreant soul, that dares to shun the debt
> Imposed on human kind, must first forget
> Thy diligence, thy unrelaxing use
> Of a long life; and, in the hour of death,
> The last dear service of thy passing breath!

[1] Wordsworth, *Ecclesiastical Sonnets*, Part 1, no. 23.

RANULF FLAMBARD AND EARLY ANGLO-NORMAN ADMINISTRATION

(*The Alexander Prize Essay*)

By R. W. Southern, B.A.

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The importance of Flambard in Rufus's reign has always been acknowledged. All the chroniclers, in more or less strident language, put him in the forefront of those responsible for Rufus's exactions and lay the blame chiefly on him for the misfortunes they relate. Stubbs in working out his idea of constitutional development gave Flambard a more determined position in this scheme than he had ever held before. It will first be useful to see what kind of picture of Flambard he and, later, Freeman evolved. The chief difficulty Stubbs had in Rufus's reign was to find some guiding hand for the "hardening and sharpening"[1] of feudalism which in his view was going on at that time, and for the introduction of new feudal practices. He required some single and unscrupulous innovator to account for a process which he thought time alone would not have brought about. Stubbs, looking from the point of view of constitutional development, explained the evolution of the conditions described in Henry I's coronation charter as the work of Flambard. The charter showed, for instance, heirs to feudal fiefs having to buy back their lands on the death of the holder instead of merely paying a relief —a stringency which he explained by the discovery of a legal mind working out feudal principle. Then, for the first time, church benefices were deliberately and consistently

[1] Stubbs, *Const. Hist.*, I. 324–8.

kept vacant—was the same mind at work again here? Was the same man responsible for the application of feudal principle in his dealings with church fiefs? Stubbs thought so: the position he gave Flambard solved all the most difficult problems with which he was faced in dealing with Rufus. It was impossible, so he thought, to ascribe the changes to the king with his small aptitude for anything but war and his lack of any fixed purpose. Ranulf Flambard was marked out as the "guiding hand" by the curses of the chroniclers, their realisation of his importance and his favour with the king. The very characteristics of cunning, boldness, and determination which were universally ascribed to him were exactly what were wanted in the "lawyer of feudalism."

But it is obvious at once that this view of Flambard was conditioned by a previous notion of the scheme into which he had to fit. So long as Stubbs's idea of the reign was right, then his interpretation of Ranulf stood: the chroniclers were vague enough to corroborate it but did not in themselves provide anything more than the basis on which to build. Round,[1] however, showed that the great constitutional and legal changes, on which Stubbs based Ranulf's position, needed for their development no such *deus ex machina*. Whereas Stubbs assumed a gradually growing system of tyranny, he proved that the new system of tenure and knight service was introduced into England clear and distinct with the Conquest: Ranulf was not the originator. He was not the originator of ecclesiastical abuses. Lanfranc himself had urged that, by a legal subtlety, the Bishop of Durham should be treated as a lay tenant. Nor for the most part were the rest of the ecclesiastical struggles of the time especially significant of Ranulf's astuteness—the dispute with Anselm had its parallel in the struggle for investitures going on all over Europe; the keeping open of benefices was known before, and was common after, this time; and there is some reason

[1] Round, *Feudal England*, Chap. on Knight Service.

to think [1] that even the practice of granting the monks of a vacant abbey no more than fixed allowances on which to live was not peculiar to Flambard or unknown later.

The chroniclers then must be used in a different way. When the general theory of Stubbs and Freeman has broken down, it is seen that Freeman especially was led astray by the rhetoric of the chroniclers which is, for our purpose, the least important part of their work. His account of Ranulf, presented most fully in "William Rufus," [2] gives an idea of a great amount of certain knowledge. But it is a certainty which comes from the acceptance of such exaggerations as those of William of Malmesbury, writing in the next generation. His account [3] was that "whenever a royal edict went forth taxing England at a certain sum it was Flambard's custom to double it. (He was the plunderer of the rich, the destroyer of the poor, the confiscator of inheritances. He was unsurpassed as a mercenary advocate, exceeding all bounds in his actions and violence, and treating suppliants with a violence fit only for rebels)"—and much worse to come in the account of his pontificate. Examined critically, what are we to make of even the comparatively mild opening statement? Yet not only that but also the words in brackets, which the chronicler himself afterwards crossed out, were incorporated wholesale. The accounts of Flambard's acute and litigious mind no doubt gave Stubbs and Freeman the handle they wanted and the vagueness of the chroniclers supplied the rest. But this vagueness itself varies considerably in value: some is mere verbiage, some hides an important truth. Bare statements of definite events or precise pieces of information, on the other hand, are few and most often untrustworthy: what reliance, for instance, can be placed on the thirteenth-century Peterborough writer's assertion [4] that Flambard wrote a

[1] Armitage Robinson, *Gilbert Crispin*, pp. 41–2, and cf. *Liber Eliensis*, ed. Stewart, § 135.

[2] Vol. I., pp. 329–57.

[3] Wm. of Malms., *Hist. Pont.*, R.S., p. xvii and p. 274.

[4] Peterborough Chronicle (ed. Sparke), A.D. 1099.

book of laws, the only notice of such a book we have, when he also says that Flambard was Rufus's chancellor?

It is useless to look for Flambard among great men like Robert of Meulan who were Rufus's most conspicuous advisers and were present at his hearing of complaints and at disputes on feudal rights. He is not mentioned in Eadmer's very full description of Anselm's trial at Rockingham [1]—among the most important meetings of the Curia Regis in the reign—nor yet in any of the other trials of barons which came before Rufus himself. There is no evidence to show that he accompanied Rufus on his expeditions or on his journeys to Normandy: indeed, Ranulf's work can only be understood if he is looked on, no longer as part of the king's travelling entourage, but as an official with a more fixed centre and a more independent sphere of work. Eadmer, writing contemporaneously and with a good knowledge of the king's intimate advisers in the greatest affairs, mentions Ranulf only once during the reign: he does indeed give him the title "regiæ voluntatis maximus executor," [2] but says little to substantiate it. His importance seems to dwindle. The need of such a man as a developer of feudalism has gone, and none of Stubbs's claims for him in this have sufficient grounds. Round concludes that "Flambard has been assigned a quite unwarrantable share in the development of feudalism in England." [3]

Wherein then does his significance lie? The old view may have overstrained the existing evidence in fitting him into a preconceived plan. But some reliance must be placed on the chroniclers and when tested they will not be found altogether misleading. When he has been denied importance as the "lawyer of feudalism" his connection with administration may still provide some grounds for the character universally given him. Yet in pushing a consideration of royal administration back into the obscure period before Henry I there is the difficulty of a complete lack of syste-

[1] Eadmer, *Hist. Nov.*, R.S., pp. 53–67. [2] *Hist. Nov.*, p. 41.
[3] *Feudal England*, p. 226.

matic evidence, for the first Pipe Roll, the first mention of the Exchequer, the first known document issued by the Justiciar [1] all come from the reign of Henry I. It is thus precisely on the unsatisfactory basis of lack of evidence that a view of Ranulf which denies him any importance stands.

Now there are two traits in the chroniclers: on the one hand the exaggerated and rhetorical terms which they employ in speaking of Ranulf, and on the other, quite incompatible with these, the trivial measures which, when they are forced to an issue, they describe. How are these to be reconciled? The generalisations are obviously wild, but equally may we suspect that there will be some general idea behind a number of isolated and localised events, and that they, considered without reference to the generalisation, by no means indicate the scope of Ranulf's work. Rufus did not gain the reputation of being the wealthiest king in Europe by such unprofitable measures as the well-known incident in Florence of Worcester: the host had been summoned to Hastings and, instead of crossing the Channel to fight, Ranulf Flambard appeared and took from each man the 10*s*. with which his neighbours had provided him.[2] There was something more important and permanent behind Ranulf than this, to earn him his curses or Rufus his wealth, to make the devil couple the two together when he appeared to people in lonely places and spoke of the bad times that had come over the land.

Yet, in spite of their denunciations, it might seem at first sight that the chroniclers were useless for the details of administration. Naturally this is the weakest part of their work—especially during the vital years 1095–9 when the Crusade takes up most of the attention of any monastic writer. When to this lack of knowledge or interest in administration—since Orderic was writing an *Ecclesiastical* History and Eadmer mostly an interpretation of Anselm's

[1] D. M. Stenton, E.H.R., Vol. 39, p. 79.
[2] Flor. of Worcester (ed. Hearne), 1094, Vol. II, p. 35.

acts—is added the fact that most of the main authorities for the period were writing a generation later, it might seem hopeless to look in them for any information about the king's connection with courts and tenants or the growing complexity and system of royal financial and judicial organs. The relevant part of Orderic's history was written between 1133 and 1135;[1] the Anglo-Saxon Chronicle for Rufus's reign not long before 1122:[2] and this when all William of Malmesbury's exuberances were collected as early as 1125.[3] The chronicles have all these shortcomings, but a generalisation which has no meaning as it stands may hide an actual detail of the administration. The descriptions, for example, of Ranulf's official position have often been dismissed as vague and wild. But when it was desired to see this position as a vague one with indefinite power, it was impossible to notice that, behind all descriptions, certain words regularly appear. Nor was this due merely to a copying of sources; independent writers show the same agreement, though of course each weaves a body of exaggeration and vituperation. The most contemporary description of Flambard's position is in a letter of Anselm to Paschal II,[4] where he is described as "non solum publicanus sed publicanorum princeps infamissimus." This "publicanus" can mean nothing else than the "gastaldus" or fiscal agent of Orderic;[5] it is the same as the "exactor" of Florence of Worcester and Henry of Huntingdon—the word applied by the first continuator of Simeon of Durham to those royal officers who in their turn were to take the goods left by Ranulf himself to the poor.[6] Again, the Anglo-Saxon chronicler's remark that he "Ealle his gemot ofer eall Engleland draf and

[1] *Eccl. Hist.* (Ed. Soc. Hist. de Fr.), Introd., p. xxxvi.

[2] Plummer's edit. of Earle's *Two A.-S. Chronicles parallel*, p. xxxv.

[3] Wm. of Malm., *Gesta Regum*, Introd., pp. xix–xx.

[4] Migne, *Patrol.* Vol. 159, col. 201. The letter was written just after Anselm's return from exile in 1100.

[5] *Eccl. Hist.*, Bk. X, Chap. 8.

[6] Simeon of Durham, R.S., Vol. I, p. 136.

bewiste" [1] seems to be intimately connected with the position of "placitor" which accompanies the charge of being exactor in the descriptions of Flambard's position. Henry of Huntingdon connects the two titles in the epigram "placitor sed perversor, exactor sed exustor totius Angliae" [2]—though in his pleasantry he seems unwittingly to have added to the reputed vagueness of the phrases by which the chroniclers describe Ranulf. Liebermann [3] thought that the sentence in the Anglo-Saxon Chronicle might refer to the "pre-exchequer treasury court," but this would hardly account for the words "over all England," and it will be seen that there are examples of Ranulf's dealings with local courts, in which sense the word "gemot" would be used.

Further than this, Ranulf's position is difficult to determine. It was a common tradition, repeated by Davis [4] and Corbett,[5] that he was treasurer. But the evidence is slight. It is the presence of a Ranulfus thesaurarius as a witness in a charter of the Bishop of Durham to his monks.[6] Flambard has been identified with this witness owing to the presence of the king. For Rufus was returning from a campaign against Malcolm of Scotland in 1091 and somewhere in the north of England was a witness of this charter. We shall see, however, that it would be unique and totally unexpected to find Flambard thus accompanying the king on an expedition. As for the title of thesaurarius, no chronicler gives him such a position [7] and what we know

[1] A.-S. Chron., A.D. 1099. [2] Hry. of Huntingdon, A.D. 1099.

[3] E.H.R., Vol. 28, p. 153.

[4] *Normans and Angevins*, p. 79 and note: "Treasurer and Chaplain are the only titles for which we have documentary evidence."

[5] Camb. Med. Hist., Vol. V, p. 522.

[6] *Historiæ Dunelmensis Scriptores Tres* (Surtees Soc.), p. xxii, and No. 318 in the *Regesta*. But the order of witnesses in the *Regesta* is rather confused. Actually they come in four columns, in the last of which are the names Ranulf the treasurer, Mervin, Ælaf, Orm, Aldred, priests, Robert dispensator Regis, Siward Bran.

[7] Orderic's phrase (Bk. X, Chap. 18) "summus regiarum procurator opum" might imply something of the kind. But he then goes on to expand this into a story of Ranulf's exactions, so it looks as if he were merely referring to him, as elsewhere, as the chief agent of extortion.

of his work connects him with the judicial side of finance, not, as would be expected from the treasurer at this time, with accountancy.[1] It seems too to have been the title of Capellanus Regis which especially distinguished him from the rest of the officials, and a few months before and after this charter he witnessed as such. The identification of Ranulf the treasurer with Ranulf Flambard rests then on an identity of name which proves nothing; on the king's presence after a military expedition which is an argument against rather than for Flambard's presence; and on Flambard's connection with finance, which, if it points to any office, does not indicate that of treasurer. It seems more profitable to look for another Ranulf the treasurer. He may perhaps be found in Ranulf the treasurer of the church of York. This man is mentioned by Hugh the Chanter of York [2] as accompanying the archbishop in 1093 and he witnessed a charter of Henry I at York early in the next reign.[3] In this charter of 1091 the archbishop was a witness and the place of issue was perhaps York.[4] True, Durham might seem more likely, since the charter was of the Bishop of Durham, but, even so, possibility seems to favour the presence of Ranulf of York rather than Flambard. This is strengthened by the appearance immediately after his name in this last column of witnesses of four English priests: Aldred, Ælaf, Mervin, and Orm. If this Aldred is the Aldred mentioned as Dean of York in 1113,[5] then we could be almost sure that the whole five, including Ranulf, came from that church. As to the likelihood of such a party from York being present, it can only be said that the land referred to in the charter was in that diocese and only a few miles from the city.[6]

[1] Poole, *Exchequer in the Twelfth Century*, pp. 23–6.

[2] *Hist. of Ch. of York*, R.S., Vol. II., p. 103.

[3] Round, *Calender of Documents preserved in France*, p. 442. Also *Hist. of Church of York* (R.S., Vol. II, p. 102), where he is mentioned as being with the Archbishop in 1093.

[4] Freeman, W.R., II, 536.

[5] *Monasticon*, VI, p. 1173.

[6] Northallerton, Kirkby Siggeston and Brompton.

Ranulf is naturally most abused by the chroniclers for his ecclesiastical exactions. These were undoubtedly going on, and on a large scale, and were involving quite illegal extensions of the royal power. According to Orderic, before the conquest, the revenues of vacant bishoprics went to the archbishop, of monasteries to the bishop of the diocese in which they were: Rufus took his benefit from both, and it was carrying the practice of leaving benefices vacant beyond all former or defensible limits when Ranulf in 1097 had sixteen bishoprics and abbeys in his hands,[1] when the see of Durham was vacant for three years, and that of Canterbury for four. It is difficult, however, to get, either in the writs of the reign or the chronicles, any concrete case of what was happening. The Durham writer's comment [2] that during the interregnum at Durham, Ranulf took nothing from the monks, allowed no one to afflict or oppress them, and was indeed generous and beneficent —coming as it does from one who was not disposed to be lenient to the future bishop—is a warning against taking too literally the tales of the hardships of monks and clerks during the time of Ranulf's power. But Round [3] has shown an instance where an expedient unprecedented in feudal practice was used against the church. A writ [4] issued by Ranulf ordered that, the Bishop of Worcester being dead, his tenants should pay to the king various carefully specified reliefs. Such an exaction, quite distinct from the taking of church revenues during a vacancy, was an illegal interference with the rights of the bishop's under-tenants, who normally paid relief only to their immediate over-lord. But the example is more important than if it were merely an isolated case of the exercise of arbitrary power; for Professor Stenton [5] has pointed out a

[1] Ann. Winton, A.D. 1097. This figure may be exaggerated, but from the remarks of others, and especially Eadmer, it cannot be wholly extravagant.

[2] Simeon of Durham, R.S., I, 135.

[3] Round, *Feudal England*, pp. 308–10. [4] *Regesta*, No. 387.

[5] *English Feudalism*, p. 220. I have to thank Dr. Previté-Orton for drawing my attention to this.

tendency for the king, towards the end of Henry I's reign, to interfere in the relations between lord and tenant and to deal with the tenant direct. And it is just this that we see Ranulf effecting here.

In this case a single writ is the only evidence of Ranulf's operations, but the account of an Ely [1] writer will perhaps add colour to his connection with ecclesiastical and local affairs. It was not written in its present form till the middle of the next century, but in the detail it gives it has the appearance of authenticity. About the time of the king's expedition to Scotland in 1091, the weak Abbot Simeon of Ely was troubled by local barons who seized his land, and by other losses. He appealed for help against his enemies and a commission of royal justices was sent with Flambard at their head. The action was worse than useless, according to the writer, for instead of restoring the abbot's goods he tyrannised over the village and the monastery. A certain Æilwinus stirred him up against his neighbours and against the keeper of the common goods of the monastery, with tales of his wiles and ruses. The result was that Ranulf broke into the possessions of the monks. He took away vestments and money and pensioned off each monk with an amount of food and clothing fixed by himself, in a manner described by many chroniclers in general terms and without exact references. The Ely writer relates how there was no redress against such unprincipled action supported by the king, and complains that the royal officer, called in to remedy one abuse, might so easily use his authority to the king's advantage in a lawless way. Such a proceeding might certainly be a mere reckless piece of tyranny, but the policy behind such tyrannies may be found in the one incident related of him by Eadmer: [2] on the very day of Anselm's enthronement, Flambard came down to Canterbury to institute a plea against the archbishop. But this harsh breaking into a day of rejoicing was not the only cause of complaint: "he added this to

[1] *Liber Eliensis*, ed. Stewart, § 135. [2] *Hist. Nov.*, p. 41.

their indignation, that the business in which he was engaged pertained to the rights of the church and did not in any way look for a decision from royal justice." We cannot tell what this business was which was thus transferred to the royal court, but the incident is significant of the increasing grip of royal justice with which Ranulf was concerned in all his activities.

On the secular side, his actions are perhaps best illustrated by those administrative writs which throw light on his dealings with local courts—dealings to which the Anglo-Saxon chronicler seems to be referring in the phrase quoted. As evidence of his interest in carrying out local justice there are his writs to the sheriff of Huntingdon [1] to let the Abbot of Ramsey have his land on pain of a fine of £10, to another sheriff [2] to do right to the Abbot of Westminster, to the sheriff of Huntingdon [3] to convene the shires and inquire into the land of Easton. Wherever land, justice or finance—all inseparable—were involved, there is the possibility of finding Ranulf. Early in the reign [4] he viewed the land in Norfolk and Suffolk which Rufus was going to give to the Bishop of Norwich for the building of his church; later we see him being ordered by the king to give Eudo the Dapifer seisin of a manor.[5] The king was beginning to work more through the shire courts and commissions of itinerant justices "ad investiganda regalia placita." Stubbs, thinking that Henry I's writ for holding the shire courts was intended to restore their authority, admitted only grudgingly that shire administration existed "for some purposes undoubtedly under William Rufus." But on the contrary, and the previous cases are examples of this, Ranulf was much involved in the development by which they were being used not too seldom but so often as to be a burden.

There were, moreover, two bodies of itinerant justices in the reign in successive years. Of both of these—one in

[1] *Regesta*, No. 322. [2] *Ibid.*, 420. [3] *Ibid.*, 321.
[4] *Ibid.*, 385. [5] *Ibid.*, 399.

St. Edmundsbury in 1095, and the other into Devon, Cornwall and Exeter in 1096—Ranulf was a member. It is easy to see how the legend woven round him by the chroniclers grew up. Safe in the favour of the king, no complaints were of any avail. His ubiquitousness made up for his falling short of that mythically extravagant power attributed to him by the chroniclers ; it was the number of his blows which made them seem so devastating and caused the next generation to write that he and his like " angliam spoliabant, et, latronibus pejores, agricolarum cervos ac negotiatorum congeries immisericorditer decipiebant " ; a conclusion which the writers were the more willing to believe since they could see so many examples all round them, and especially affecting them, of his dealing with ecclesiastical bodies : " cœnobiorum fundos et episcopatuum redditus dominio regis mancipabant, et a superstitibus archimandritis, seu pontificibus, enormis pecuniæ vectigal exigebant." [1]

But there is one legend especially which has not been treated kindly by later historians. It is Orderic's description of how Ranulf re-measured England.[2] The story has often been examined but, as it stands, even the chronicler's own meaning is doubtful. Besides this, as usual, the unsupported chronicle is useless without collation with some other material. The basis of the story seems to be that the varying measures of the English carucate were replaced by some fixed measurement which Ranulf carried out " by the rope." This implies, as Freeman pointed out, an equalising of the unit of measurement, whereas the English carucate varied according to the quality of the land. Appended to this is the idea in Orderic's mind that all men lost whatever land was found above a certain amount, thus enriching the treasury and oppressing the people. The story has been rejected on several grounds : it is ridiculous to imagine that there was this taking away of land

[1] Ord. Vit., *Eccl. Hist.* Bk. X, Chap. 8.
[2] *Ibid.*, Bk. VIII, Chap. 8 : see Freeman, W. R., App. U.

above a certain amount, and had there been a complete re-measurement of the country we should have heard more about it. Palgrave [1] found a piece of a Worcester survey which he thought was Ranulf's, but as Freeman showed there was no way of testing Orderic's story by this, since it dealt wholly with two towns and had no relation to the vital notion of re-measuring the carucates. Freeman, though, went too far in urging his case against the survey; Stubbs did not reject the story nearly as whole-heartedly.[2] It was quite misleading for him to say that Orderic never mentioned the real Domesday. Not only does he here distinctly speak of a *re*-measurement but, though not of course by the name of Domesday, Orderic twice mentions the survey of 1087 and mentions it for what it was—"a complete survey of the whole kingdom, an accurate record of the revenue as it stood at the time of King Edward" [3] or, less happily, as "a careful record of all the knights' fees in England." [4] It was not a perfectly comprehensible operation like this but something very extraordinary which committed Orderic to a story which he does not seem to have understood well himself.

Now, while rejecting the idea that Flambard incited the king "ut *totius* Angliæ reviseret descriptionem," [5] it seems likely that there is something in what Orderic says which may be tracked down to at least a small corner of England. A writ [6] of Rufus to his justiciars, Robert Bishop of Lincoln, Ranulf the chaplain, Haimo, and Urse de Abitot, may supply the clue. For this writ describes

[1] *English Commonwealth*, Vol. II, p. ccccxlvii.

[2] *Const. Hist.*, Vol. I, p. 327, where he is very cautious.

[3] *Eccl. Hist.*, Bk. IV, Chap. 7.

[4] *Ibid.*, Bk. VII, Chap. 11. [5] *Ibid.*, Bk. VIII, Chap. 8.

[6] *Regesta*, No. 422 and lxii: Præcipio vobis ut ita admensuratis Abbatiam de Thorneia de geldis scotis et servitio militum et de omnibus consuetudinibus sicut melius admensuratus est aliquis honor in tota Anglia qui tantundem terram habet quantum est in Abbatia de Thorneia." Round, in his review of the *Regesta* (E.H.R., 1914) pointed out the importance of this writ. He adds that "it is the more noteworthy because Thorney Abbey was not one of those which in the 12th Century owed Knight Service."

something as extraordinary as the tale of Orderic. The justiciars were ordered to assess the Abbey of Thorney for gelds, scots, knight service and other dues, (not arbitrarily as William I had assessed his tenants-in-chief) but to the same extent as any honour in the whole of England with the same amount of land was assessed. Not only is this contrary to all that is known of the lack of relation between the extent of land and amount of knight-service due to the king, not only does it use the same phraseology as Orderic, beginning "Præcipio ut . . . admensuratis" while he adds "funiculo mensus est," but it clearly implies one part of his story: whereas it was the mark of the dues owed to the king that they were not determined by the extent of land, this looks like an attempt of Ranulf and his fellow-administrators to make the same extent of land everywhere pay the same dues. Orderic, however, got hold of the wrong end of the stick. He described correctly enough an equalising which replaced the haphazard arrangements previously existing, but he mixed up this equalising of assessment with an equalising of the amount of land each man possessed—a mistaken conclusion which can be forgiven when it is realised that fixed measures of land were a thing unknown in Europe and that he was dealing with an operation alien to contemporary thought. Such a universal equalising of assessment was never carried out—if, indeed, it was ever contemplated, for early administration was full of temporary expedients,[1] which were magnified by the chroniclers into general principles. All over England at this time royal officers were taking advantage of one pretext or another to increase the revenue, and the country round the Isle of Ely, where the land must have been almost unworkably "heavy,"[2] would suffer badly from such a measure as here described.

Something, however, must be said on how Orderic might have come to hear of what was happening at Thorney.

[1] See Round's Essays in *Domesday Studies*.

[2] Always badly drained and flooded during a great part of the year.

From the very fact that Orderic's monastery of St. Evreux had lands all over England it is probable that he would know something about the territorial operations of the royal officers. In fact, had the procedure he describes been at all widespread, it would have been difficult to see why he was not more exactly informed. But it seems likely that any information he had about Thorney would come to him second-hand. The Abbot of Crowland, only some five miles from Thorney, where the re-assessment was taking place, had been a fellow-monk of his, and the only one of Orderic's two visits to England of which we know anything was when he stayed with him at Crowland for five weeks in 1115.[1] It was then perhaps that he heard the garbled story which he relates.

East Anglia would be good ground for such an experiment of re-assessment. Since the rebellion of 1071 it had been in an unsettled state [2] and Ranulf early seems to have had some special connection with the district. As far back as 1088 he was with the Abbot of Ramsey witnessing one of his charters.[3] We have seen too that when the Bishop of Norwich was being given land to build his new church it was Ranulf who did the surveying in Norfolk and Suffolk. He was a member of the one judicial commission in this part of the country during the reign at Bury St. Edmunds and more than a quarter of his writs refer specifically to the same region. Although then the meaning of the writ itself is uncertain and we cannot compare it with anything we know to have happened, it seems likely that it and Orderic both refer to the same thing: a re-assessment embodying a new principle and attempted or carried out to the advantage of the king in a small part of England.

Such writs as exist, issued in the ordinary course of government, can, however, give no conceivable idea of the

[1] *Hist. Eccl.*, Book IV, Chap. 15.
[2] See writs of Wm. I and II about lands of Ely, etc.
[3] Ramsey Cartulary, R.S., I, p. 121.

amount of work transacted: for the most part they had no permanent importance and there was no need to preserve them. The evidence is such that even used together with the accounts of the chroniclers it can only be understood by a previous understanding of Rufus's reign. It is possible to see on what kind of work Ranulf was engaged, now an itinerant judge, now directing sheriffs and other officers in their work, now planning to re-assess land for the benefit of the royal exchequer or demanding a relief direct from the tenants of a bishopric. But half a dozen examples of his work only point to the diversity of his activities for getting money and must be fitted into a plan. This plan is Rufus's administration. Not only in Ranulf but in all documentary sources, he has left undeniable evidence of a vigorous administration. It was infinitely more advanced than that which the few primitive charters of Robert show existing in Normandy,[1] and in the speed with which it followed Rufus across the Channel it showed one of its most impressive sides: in England it had developed beyond the state in which William I left it. Rufus's charters show a more clearly defined official class than those of his father. Under the Conqueror the Curia was still largely mixed up with the staff of officials; the witnesses to his charters were extremely variable. While as a whole there are less documents in Davis's *Regesta* from the reign of Rufus than from that of his father, more of these are judicial mandates or notifications by the king's officers. These royal officers now acted more independently and it is noteworthy that one of the charges which Orderic Vitalis brings against Ranulf was that he did many things without the king's knowledge.[2] Several writs are witnessed by Ranulf alone;[3] others show a regular co-operation between him, Eudo the Dapifer, Haimo the

[1] Haskins, *Norman Institutions*, where he points out how fluid was the list of witnesses and how few charters are issued in Robert's own name (pp. 70–8).

[2] *Eccl. Hist.*, Bk. VIII, Chap. 8.

[3] *Regesta*, Nos. 321, 322, 420, 442, 448, 484, 485.

Dapifer and Urse de Abitot [1]—the sheriff of Worcester, and only less renowned than Ranulf himself for his exactions. It has been noticed that Ranulf does not appear among the Chancery clerks whom Rufus took to Normandy with him. With one exception [2] at the beginning of the reign where Ranulf witnessed a charter together with bishops, earls and the full force of the household, all the documents with his name are precepts or notifications to officers, never charters, never belonging to the meetings of the Curia at the great festivals of the year. Most of these do not contain the place of issue, but of those which do ten out of twelve are in the country between Kent and Hampshire and half of these in Hampshire.[3] Ranulf was thus not permanently in Winchester, but this district seems to have been the centre of his activities. And we shall see that in this neighbourhood he held lands and benefices which were the usual payment for royal clerks.

To see Flambard aright then, Rufus's reign must not be looked on as a gap in the normal development in kingship ; a time when outworn feudal practices were pushed to extremes only to be abandoned at the end of the reign ; nor, in administration, as a time of unregulated despotism before the tidy ways of " Henry Beauclerc." Henry was not so tidy nor Rufus so unregulated. The latter's was a reign when administration advanced steadily under cover of a temporarily quiescent baronage. Immediately before this the Domesday Survey had been taken, and at Winchester by the end of the century it was being classified into fiefs. It is still impossible to tell in what state of technical development Flambard left the Exchequer, but its essence was already in existence in " a permanent board of royal officers, commissioned with a function reaching far beyond that of mere treasurer, with the duty of examin-

[1] *Regesta*, Nos. 387, 400, 416, 418, 422.

[2] *Ibid.*, No. 315 : 1091 at Dover.

[3] *Ibid.*, No. 315 at Dover ; 337, 429 Winchester ; 385, 427 Salisbury ; 347, 377 Hastings ; 481 Brockenhurst ; 464, 485 Westminster ; 355 Brigstock ; 418 Brampton.

ing that all sources of royal finance should really flow into the treasury and of judicially determining what was due to the king." [1] Haskins has shown too [2] that even the abacus, the technical device of this court, was known to members of Rufus's Curia and that Robert of Hereford, who heard pleas in Rufus's court, was skilled in the new method.

The advance in financial organisation which continued under Rufus explains why Ranulf was a unique kind of ogre to the chroniclers—or rather why he was one of the earliest to be held up to that detestation which pursued those suffering from the deadly sin of love of money. Unless there were compensating advantages similar language to that used about Ranulf was apt to be used wherever there were administrative developments. Ranulf was said to be of low birth,[3] so was Roger of Salisbury and those many others whom Orderic describes as being raised from the dust by Henry I.[4] Henry himself was noted for the same fault of greed: the Peterborough Chronicler's lament [5] that "the man who had any goods was deprived of them by harsh gelds and harsh law-courts" shows that the administration for which Flambard was abused went on as before. In France, Philip Augustus, in Germany Henry the Lion, were met by the same charges; they were all men who had lost grace in so far as they had become merchants instead of soldiers—and Flambard never defended his rights by the sword.

His rise can be traced up the back-stairs of the royal household. He is an example, and perhaps the first noteworthy one, of what is sometimes the policy and sometimes the wantonness of mediaeval kings, in raising originally unimportant servants—clerks, cross-bowmen or engineers—to important positions as bishops, seneschals or justiciars above the heads of the old baronage. There are

[1] Liebermann, E.H.R., Vol. 28, p. 153. [2] E.H.R., Vol. 27, pp. 105–6.
[3] *Ord. Vit.*, Bk. VIII, Chap. 8. [4] *Ibid.*, Bk. VI, Chap. 2.
[5] A.D. 1124; *Select Charters*, p. 115.

no traces of his antecedents, except that he is said by Orderic [1] to have come from the Bessin. Perhaps he was an under-tenant in the Conqueror's reign. If so, since the name Flambard was given him in the royal service,[2] the possibility is that he would appear unknown among the innumerable Ranulfs of Domesday Book. Certainly he was no more than this. From about 1083 to 1085 Maurice, later Bishop of London, was chancellor and Ranulf a clerk under him with the position of "custos sigilli regis." [3] He possibly held this position till the end of the reign,[4] after Maurice had given up the chancellorship. It was remembered in 1109 [5] when the Canterbury and York dispute had broken out again that he, being then keeper of the seal, was in the Conqueror's company before his last journey into Normandy, and had heard the promise to do right between the two churches. Moreover it seems almost certain, with the collaboration of this York evidence, that Davis [6] was right in assigning the attempt on his life, when he is said to have thrown his ring and seal into the Thames, to this early period. He was not, then, a negligible quantity in 1087: the *Liber Eliensis* [7] actually says that he had the same favour with the Conqueror as with his son; and Orderic [8] implies that he struggled into prominence in the court of William I. In Domesday Book, besides his land in Hampshire among minor officials—huntsmen, chamberlains, a doctor, a barber, "et alii plures servientes regis" [9] —he had small parcels of land in Berkshire,[10] Oxfordshire,[11] Surrey,[12] Wiltshire [13] and Somerset,[14] all held of the king or the church; he had a house in Oxford,[15] two churches

[1] *Eccl. Hist.*, Bk. VIII, Chap. 8. [2] *Ibid.*

[3] *Hist. of Ch. of York*, II, p. 102.

[4] The Durham account of the attempt on his life [see below] speaks of his *former* master Maurice—*Simeon*, i, 136–8. The only doubt is that Hugh the Chanter says expressly, "Sigillum patris vestri sub Mauritio cancellario custodiebat."

[5] *Hist. of Ch. of York*, ibid. [6] *Regesta*, p. xxi. [7] § 135.

[8] *Eccl. Hist.*, Bk. VIII, Chap. 8. [9] D.B., i, 51 a 2, 49 a 2.

[10] D.B., i, 58 a 2. [11] *Ibid.*, 157 a 1. [12] *Ibid.*, 30 b 2.

[13] *Ibid.*, 67 a 1. [14] *Ibid.*, 89 b 2. [15] *Ibid.*, 54 a 1.

at Godalming [1] in Surrey and an "uxor Ranulfi capellani" held of the king in Herefordshire [2]—but that last connection is too tenuous to be more than an idle thought. Together they look impressive, but it must be remembered that they comprise only about twenty-five hides, while the most important of his associates were tenants-in-chief in many counties. During Rufus's reign he increased in legal and illegal possessions. Three writs of Henry I are witnesses of illegal gain in this period. There was the manor of Hadham in Hertfordshire: in 1087 the Abbot of Ely and the Bishop of London were disputing about it.[3] Perhaps Ranulf seized it for himself when called in by Abbot Simeon or when he had the abbey in his hands between 1093 and 1100.[4] However it might be, in 1105,[5] Henry I ordered the restitution of this manor: a manor, says Thomas of Ely, "quam violenter per clericos Londoniensis ecclesiæ suæ abstulit." [6] Or again, in 1087, the abbey of Abingdon held at Wytham in Berkshire; [7] here too the abbey had been kept vacant under Rufus for three years,[8] and we find Henry I taking this land from Ranulf and restoring it to its original holders.[9] Exactly the same seizure and restitution happened to the church of Bath over its land at Dogmersfield in Hampshire.[10] These are just chance examples which have survived: we may be putting our fingers on a very deep cause of Ranulf's unpopularity with the church: his not only despoiling it for Rufus's advantage, as in the Worcestershire case, but for his own gain as here. But he was immune from attack only on account of his continued rise in official position.

[1] D.B., i, 30 b 2. See also *Sarum Documents* No. 1 [R.S.] where Henry I grants the churches of Godalming and Heytesbury to Salisbury: Ranulf to continue to hold them for life as a canon.

[2] *Ibid.*, 187 b 2.

[3] *Ibid.*, 134 a 1, 135 a 1.

[4] *Monasticon*, I, 461.

[5] Farrer, *Itinerary*, No. 115.

[6] Thomas of Ely, *Historia Eliensis* in *Anglia Sacra*, i, p. 614. This is the only mention we have of a London church.

[7] D.B., i, 59 a 1.

[8] *Monasticon*, I, 508.

[9] Chron. Abingdon, R.S., ii, p. 84.

[10] *Two Bath Cartularies* [Somerset Rec. Soc., VII, p. 54.

Later writers made him the king's chief adviser on the death of Lanfranc, but they may be antedating his importance. In these early years we only know of him as the special chaplain of the king and the maximus executor voluntatis regiæ. From this position, with all that it has been seen to imply, it was natural he should take on the office of Justiciar which was now, if not permanent, at least appearing with more regularity than before. Roger of Salisbury was the first to be called "secundus a rege," but Ranulf before this was known as Summus or Capitalis Justiciarius.[1] Whenever the king left officers in England to administer his affairs while he was abroad, Ranulf was one of them ;[2] and a writ of 1093–7[3] refers to him among the heads of the administration while the king was in England. It is unlikely, however, that he was ever sole justiciar.

As he rose officially, he also rose as a person of rank and wealth. He became the head of a college of secular canons at St. Martin's, Dover,[4] and the first occupant of the important deanery of Christ Church (Hants) ;[5] he is said to have founded Motisfont Priory in Hampshire ;[6] and, as we have seen, Thomas of Ely mentions a church of his in London.[7] He was always one to advance his family : a brother was associated with him in the administration ;[8] and one of his sons[9] held a prebend at Lincoln. And yet, it is remarkable, we have no royal writs granting him either lands or benefices. A passing reference to him in a writ as Dean of Twynham is the only proof we have of his holding that position and it alone clears up the confusions and contradictions of the chronicles which

[1] Ord. Vit., X, 18. Duplicate writ in Ramsey Cartulary, I, 149.
[2] *Regesta*, Nos. 389, 416, 422, 424.
[3] *Ibid.*, No. 399.
[4] Craster, *Archeologia Aeliana*, 1930, p. 47, writ No. XVI.
[5] *Regesta*, No. 361 ; *Monasticon*, VI, 303.
[6] *Monasticon* VI, 480.
[7] *Anglia Sacra*, i, p. 614.
[8] *Regesta*, Nos. 464, 480. Orderic [*Eccl. Hist.*, X, 2] says that the rents and property of vacant bishoprics were in the hands of Flambard and his brother Fulcher.
[9] *Monasticon*, VIII, 1273, No. 30.

troubled Freeman and left him undecided on this point. The only knowledge we have of his connection with St. Martin's is Henry I's writ of restitution. And for his other possessions, besides those noted in Domesday Book, or the one mentioned in Thomas of Ely, we can only rely on similar writs of the next reign.

But all his other lands and churches became insignificant at Whitsun, 1099, when he was consecrated Bishop of Durham. Royal clerks before this had been raised to bishoprics: in 1091, at the largest known meeting of ecclesiastics in the reign, over half the bishops and abbots there had been formerly royal chaplains. But none of them, as Ranulf later did, had continued, when bishops, in the small official circle. They belonged to a period of more fluctuating administration. They might be justiciars, and they witnessed charters at the solemn meetings of the Curia Regis; but Ranulf continued to witness the ordinary administrative writs with which he had been connected all through the reign. Simeon of Durham [1] and, more important, Anselm [2] both agree in making no distinction between his work before and after he became bishop—a foretaste of the time when Nigel, the nephew of Roger of Salisbury, should hand over the bishopric of Ely to a deputy while he carried on his duties as treasurer. Ranulf's work under Rufus had been done while the ecclesiastical organisation of Europe was weak, but his obtaining a bishopric roused discontent even in an age accustomed to promotion for official services. Anselm, mild though he was with Rufus, was venomous when talking of Ranulf as bishop. It is true he had done a great deal at Christ Church, pulling down the old church and building the one which still stands, defending its rights, and beginning to replace secular canons by monks: but the chances were small that Durham, so far from the centre of his activities, would have much of his attention. So long as Rufus lived, the affairs of the bishopric were left

[1] Simeon, R.S., II, p. 231. [2] Migne, Vol. 159, col. 201.

in charge of the prior, and the building of the new cathedral flagged under the care of the monks. It was the death of Rufus which changed the whole direction of Flambard's life and made his connection with the affairs of Durham more intimate.

The first six years of Henry I's reign, however, present many problems in the life of Ranulf. To know what he was doing during this time is vital to an understanding of his relations with the king and, further, of the policy of Henry after his accession. But while the evidence is sufficient to show the scope of these problems it is so scanty as to leave doubtful much in the solution of them. At first sight it seems as if Ranulf somewhat redeemed his character by loyalty to Rufus, and as if Henry sacrificed a useful instrument to the ideals which he proclaimed at his coronation. For Ranulf was the only one of Rufus's ministers who suffered in any way. All accounts agree that he was put in the Tower, while the rest of the household crossed over to the service of Henry. To understand this acquiescence we must remember the suspicious circumstances in which Henry got the throne.[1] These point to disaffection among Rufus's officials. It seems that all was not well with Rufus's administration and that there is some truth in the old legend that he kept the throne, which he had irregularly obtained, only by concessions to those who allowed him to have it. These concessions took the form not of abandoning royal prerogatives but of allowing great families a large share of control in the administration: the Clare family had altogether too great a connection with the household. It has been remarked that Henry made the best of his promise to fill up the vacant bishoprics by raising the old chancellor, William Giffard, to the bishopric of Winchester; but this first act of the reign has a double significance in that Giffard was a member of the Clare family, in that the son of Richard of Clare became the new Abbot of Ely,

[1] Parker, E.H.R., Vol. 27, p. 32.

and his son-in-law Eudo the Dapifer a man of increased importance with the change of kings.[1] Especially may this be significant when the Clare family also provided the reputed murderer of Rufus. From all these rewards and changes of loyalty, Ranulf, it seems, was omitted.

What is the story given of his fate? Henry was crowned on 5 August, 1100; on the 15th Flambard was imprisoned in the Tower: according to Orderic,[2] for the injuries which he had inflicted on rich and poor; according to Anselm,[3] who returned to England to find him in prison, "pro pecunia quam de ministeriis suis, velut publicanis, debet male retenta, ut plene testatur regis curia." His unpopularity is seen by Anselm's fear that if he were set at liberty he would be stoned to death by the populace. He was a bishop, but there was no talk, as in the case of the last Bishop of Durham, of his ecclesiastical rights; we have no account of any trial. In prison he was allowed two shillings a day.[4] On this ample allowance, so it was said, he entertained his friends, made drunk his jailers and escaped to Normandy with episcopal staff, a shipload of treasure and his witch mother on 3 February, 1101.[5] Once in Normandy, we are told by all accounts, he incited pirates to attack the coasts which he had just left and stirred up Robert to invade England. If we may believe the chroniclers that Ranulf provided the energy behind this expedition, then, cut off from its life force, the expedition gradually flagged, came to a standstill at Alton and ended in a parley with Henry. Such is the story given by common agreement of the writers of the time, but the chroniclers have been wavering and now lose

[1] Cf. also the Colchester tradition assigning Eudo the chief part in inciting Rufus to seize the English crown (Freeman, W. R., ii. 463–4).

[2] *Eccl. Hist.*, X, 18.

[3] Migne, Vol. 159, col. 202.

[4] Ord. Vit., *Eccl. Hist.*, X, 18.

[5] W.R., II, 398, quotes the passage from Orderic where he says Ranulf's mother was known "pro scelestis incantationibus." Roger of Hoveden gives the date (Vol. I, pp. 157, 158). Also description of escape in Simeon of Durham.

their unanimity: the Durham writer [1] merely says that after the peace between Robert and Henry he returned to England; Orderic implies that he was not reconciled with Henry until 1106; accepting Orderic's version, Freeman concluded that, the treaty of Alton not applying to the most dangerous of the traitors, he returned to Normandy.

Already the story presents some difficulties, chiefly with regard to Henry's attitude towards Ranulf. Since he needed clerical support, and above all that of Anselm, to maintain his throne during the first critical months, it would be advisable to sacrifice one who had offended so grievously against church and people. But in what spirit was this done? Henry, so noteworthy in these early years for the bitterness and implacability of his punishments, treated Ranulf with unwonted leniency: there was no exile or persecution but imprisonment with a considerable pension. Leaving aside the suspicion of connivance at Ranulf's escape from the Tower, whose walls had been newly built, the latest date of reconciliation is 1106. After that there are no more marks of the king's pursuing his hostility.

The Durham writer says that he was reconciled to Henry in 1101, Orderic that their hostility continued till 1106. At first sight the course of his career in those years would seem to show that the latter was right. For it is difficult to reconcile the other account with his position during these years in the bishopric of Lisieux. In June, 1102, through Ranulf's influence, the bishopric was given to Fulcher, his brother and associate in Rufus's administration.[2] Robert sanctioned the appointment and William, Archbishop of Rheims, performed the consecration. Eight months later Fulcher died and Ranulf procured the bishopric for his son Thomas, said—possibly falsely—to be a boy of twelve years, on the condition that if he died his other son should become bishop.[3] Thus Ranulf himself ruled for three years "non ut præsul, sed ut præses." The in-

[1] Simeon of Durham, *Lives of the Bishops*, p. 138.
[2] Ord. Vit., X, 18.
[3] Ivo of Chartres, Ep. 149.

dignation that these proceedings aroused in Normandy is seen in the letters of Ivo Bishop of Chartres to the Pope, the Archbishop of Rheims, and Robert Count of Meulan.[1] He speaks of the wreck of the church and especially the open prostitution of the bishopric of Lisieux, urges that the "flammiguos pueros" be turned out, and the see freed from this new and unheard of kind of attack. Unmoved by this Ranulf witnessed a charter of Robert of Normandy [2] and, when the Archbishop of Rheims called a council of his suffragans and ordered Ranulf to make way for the canonically elected William Archdeacon of York, he clung on to the see, took advantage of the delays in consecration and brought forward a candidate of his own with the story that he had received the bishopric from the hands of Robert of Normandy.[3]

The interest of the time lies not, however, in Ranulf's wiles to keep his bishopric against ecclesiastical opposition, but in the fact that the Durham writer *was*, as it happens, right in saying Ranulf was reconciled to the king in 1101. We might assume that, when the events of his life connected him so intimately with Normandy and when he took a share in Robert's government of his duchy, he had this position because he was driven out of England and in return for the help which he, as the chroniclers assert, gave to the duke in his invasion. But this was not so. We have seen that Fulcher got the bishopric of Lisieux in June 1103; in the ten months between the treaty at Alton and this time Ranulf was reseised of all his lands by numerous writs,[4] received Anselm's absolution [5] and was fully reconciled with Henry.[6] Had there been the complete breach between Ranulf and the king, nothing could be more surprising or more unnecessary to Henry than this reconciliation. Ranulf could hope for no help from the church:

[1] Ivo of Chartres, Ep. 149, 153, 154, 157.
[2] Haskins, *Norman Institutions*, p. 287.
[3] Ivo of Chartres, Ep. 157.
[4] Craster, *Arch. Ael.*, Nos. XI–XVII.
[5] *Ibid.*, No. XVIII.
[6] *Ibid.*, No. XIX.

Paschal III had written [1] on the subject of Ranulf's offences, threatening canonical sentence if the charges were not met. They were charges to which there could be no answer, but a few months later the offender was being received back into the favour of church and king. The treaty at Alton had forbidden Robert to receive the king's enemies or allow them to have lands in his territory; it brought no mercy for Robert's supporters in England, but only left Henry more free to deal with the Montgomeries; yet for the most dangerous traitor—the one who, if we are to believe the reports not only of the later chroniclers but of contemporaries as handed down by Anselm, was the cause and guiding hand in the attack on England—the treaty immediately brought a writ that he was to return to England "pro amore comitis Roberti fratris mei": [2] and by the beginning of the next month he was back, getting his writs of restitution and orders that men who had fled from his bishopric were to return to it.

Henceforth it was Anselm, not Flambard, who felt the weight of Henry's growing demands. Ranulf divided his time between England and Normandy. In September 1102 he was apparently abroad since he was not present at Anselm's council. In the autumn of 1104 Henry was in Normandy and Ranulf at the exhumation of St. Cuthbert's body at Durham.[3] Early next year Ranulf witnessed a charter at Romsey [4] and had a law-suit before the king at the same place,[5] while a writ of this time—a doubtful one, however—would make it look as if his connection with his old work had not altogether ceased.[6]

Ranulf was received, then, with seemingly equal hospitality both by Robert and Henry and, by a slender ruse, held bishoprics on either side of the Channel—the one in Normandy coming under his control after he was well

[1] Craster, *Arch. Ael.*, No. IX. [2] *Ibid.*, No. X.
[3] Simeon of Durham, II, p. 361.
[4] Farrer, *Itinerary of Hy. I* (E.H.R., 1919), No. 114.
[5] *Ibid.*, No. 115. [6] *Ibid.*, No. 111.

established in England. But was Ranulf at this time serving two masters? Now Henry's attack on Normandy in 1106 was not unprepared. For years before this Robert had been retreating: giving up first the pension granted him at Alton, then the county of Evreux to Henry.[1] As early as October 1103 Henry had so far assumed authority over the duchy as to send Robert of Meulan to suppress disorders which were occurring in Normandy and to get Duke Robert to take steps to ameliorate the conditions prevailing in the duchy. More remarkable still is the evidence which suggests that the "præses" of Lisieux was a servant not of the duke but of his brother the king. It is a letter of Ivo of Chartres [2] to Robert of Meulan, who had been foremost in helping Rufus to overthrow Anselm at Rockingham, who in Henry's reign was to be attacked by Louis le Gros because he remained so persistently attached to the King of England,[3] and who was to be excommunicated as being responsible for the king's obstinacy. He is addressed as one who is more eager to be pleasing "in conspectu regis Anglorum" than "Regis angelorum." The subject was Ranulf Flambard. Ivo complained that the King of England was using his powers against God, Christ and his Church. For what law, he went on, permitted Ranulf Flambard, Bishop of Durham, to cross from one church in a foreign country to another "et velut quadam moechatione præsentiæ suæ, vel filiorum suorum occupatione, Luxoviensem Ecclesiam *per violentiam Anglici Regis*" invadare? It was against the law and against the king: not against the king in the sense of being against his will but because to do this was not "populo regimen præbere, sed discrimen augere." This letter, begging Robert of Meulan, as it does, to persuade the king to free the church, and accusing Henry of forcing Ranulf on the bishopric, clearly implies a connection between the two during these years, though it is impossible to say what Ranulf was

[1] Davis, *Normans and Angevins*, p. 128. [2] Ep. 157.
[3] Suger, *Vita Ludovici* (Soc. de l'hist. de Fr.), p. 57.

doing in Normandy. We must suspect that the ways and aims of Ranulf and Henry were not so wide apart during these years as any account we have of them would lead us to believe, but Henry would no doubt make as much as he could from the unpopularity of Ranulf. He would save one whom he thought to be a tool, but he got his price: as late as 1116 he was still restoring land to the Bishop of Durham [1] and the royal writs of 1100–7 show an increase of royal authority in the North. Owing no doubt to Ranulf's preoccupation in Normandy, Henry took upon himself to issue instructions not merely relating to the restoration of land but to hunting in the bishop's forests,[2] and he placed all the men of the land of Ranulf under his own peace [3]—despite the county palatine being outside his jurisdiction and having a "peace" of its own.

Nor, on consideration, does Orderic's mistake really damage his reputation. At first it seems that, now that Ranulf is making such an upheaval near the place where he was a monk, his inaccuracies increase. But in fact he knew all that he could reasonably be expected to know and recounted the events as they must have appeared to anyone not acquainted with the course of English history. In the month after the battle of Tinchebrai, Henry went through Rouen to Lisieux. Orderic describes [4] how Ranulf sent messengers to the king offering to give up the city which he held, and how he then returned to Durham. This was true; Orderic only went wrong in thinking that the king was reconciled because he preferred peace to war, and that Ranulf had not already been restored to his English bishopric. But such a mistake shows how useless the chroniclers are for determining the relations of Ranulf and the king during these years, or for saying in what

[1] Craster, Nos. XXIX, XXX. These, however, may be part of a later episode. See *Anglia Sacra*, i, p. 699, Anno 1113. Henricus rex, Ranulpho Dunelmensi Episcopo insensus, villam et Ecclesiam Hagustandensem ab Ecclesia Dunelmensi abripuit, etc.

[2] Craster, No. XXV.

[3] *Ibid.*, No. XXIII.

[4] *Eccl. Hist.*, Bk. XI, Chap. 31.

spirit he was imprisoned, how he escaped or whether he incited Robert to attack England.

When, however, we know more clearly of Ranulf's relations with Henry, we cannot say that they are different from those of any other important bishop. In these early years, and as late as 1109, there are about half a dozen writs of an administrative kind witnessed by Ranulf, and a doubtful precept of 1104 [1] addresses him together with Haimo the Dapifer and Urse de Abitot. But beyond this slight connection, he took no part in the administrative changes of the reign. He has left many signs of his attendance at the great meetings of the Curia Regis. He was often in Normandy with Henry and there are several accounts of his being near the king's person: he was at hand to ordain Thurstin, a priest, before his elevation to the archbishopric of York; [2] he is sometimes seen accompanying the king alone or with Nigel d'Aubigny.[3] There are no traces of his offering great and continuous gifts to regain the royal favour and failing to do so, as Simeon of Durham suggests: [4] there are no longer any complaints about him from the great ecclesiastics of the time and there are no signs of the horrors which William of Malmesbury records as having been perpetrated in the bishopric. He took an independent line in the Canterbury and York dispute and roused Henry's anger to exclaim, when Ranulf's name appeared among the supporters of Thurstin, "it was not such men who ought to be believed on this matter unless by his command." [5] Ranulf seems indeed to have taken his support of the claims of York and consequent opposition to the king very far indeed and to have unsuccessfully offered Henry money not in his own interest but in that of Archbishop Thomas.[6] It has been believed on the evidence of Roger of Hoveden that

[1] *Farrer*, No. III.
[2] *Hist. of Ch. of York*, ii, 132.
[3] *Ibid.*, ii, 196.
[4] Simeon of Durham, i, 138.
[5] *Hist. of Ch. of York*, ii, 121–2.
[6] *Ibid.*, ii, 124, where he is said to have offered Henry 1,000 marks of silver and the Queen 100.

Ranulf was sent by Henry to the Council of Rheims in 1119 to prevent the consecration of Thurstin.[1] But that account was written in the last ten years of the century when Durham and York in their turn were engaged in a bitter dispute ; Hoveden, too, was educated at the monastic school at Durham and possibly wrote in the house of the bishop, Hugh de Puiset. He was no doubt concerned to read the dispute back as far as ever possible. Hugh the Chanter [2] gives a contemporary and very different account of how Ranulf wanted to sit beside Thurstin at Rheims but dared not lest the king should be embittered towards him. So the sole recounted incident of his being employed by Henry must be abandoned.

These few scraps of information in a general ignorance at least show Ranulf in a position of authority and familiarity with the king. It will be very difficult to reconcile him with the Ranulf of Rufus's reign unless it is remembered that, despite the language of the chroniclers, he must then have been a respectable and important personage. It is the difficulty of considering his administrative activities without unconsciously looking on him as a cut-throat.

I will only mention him at Durham because his career there has a certain administrative interest and because it illustrates the abrupt change of attitude. The man who was treated so respectfully by Hugh the Chanter was an object of hatred to the Durham writers. Why was this ? The monastic historians give such reasons as his scepticism about the incorruptibility of St. Cuthbert's body [3] and the unnecessary matter he dragged into his sermon on the occasion of its translation to Durham. Such reasons may have had some influence, but it was probably more important that coming straight from Rufus's administration to so great and independent a territory, he brought with him all that he had learned as "maximus executor" and justiciar. During these twenty-eight years when Ranulf

[1] Roger of Hoveden, R.S., I, p. 174.
[2] *Hist. of Ch. of York*, ii, 166. [3] Simeon of Durham, i, 260.

was bishop the methods of the king's Curia appeared at Durham. The first known official seal with the chancellor to look after it belongs to this period.[1] Previously there had almost certainly been sheriffs in the see,[2] but there exist no writs addressed to them. Of William of St. Calais there remain only formless charters; Ranulf has not only left writs but also evidence of a constant body of officials who issued them.[3] The writs are precise and stereotyped; and the ending of one of them with the phrase "ita ne amplius inde clamorem audiam"[4] shows affinities to the phraseology of Rufus's chancery. The charters of Henry I[5] in the cartulary at Durham are almost certainly forgeries, but they show sufficiently where Ranulf's offences lay in the eyes of those he ruled. The lands and rights of the monastery which the bishop had taken away were restored and, more important as hinting at the administrative changes, the prior, who never appears in any of the writs of the time, was to be first in the church after the bishop, to be admitted to a share in the government, and to have the right of appointing or removing officials as seemed expedient. He was to have these powers, as one charter explained, in order that the bishop should not exalt himself and that the affairs of the prior and monks might be separated from those of the bishop. Like Rufus, Ranulf had not relied on his rightful advisers but had depended on a small and arbitrarily selected body of officials.

His family were not neglected. Among this inner group of servants were his nephews Robert, Osbert and that Ranulf the archdeacon who later defended the rights of the monks against uncanonical election.[6] Osbert became sheriff. In one of its branches the family was propagated

[1] Lapsley, *County Palatine of Durham*, p. 94. [2] *Ibid.*, p. 81.

[3] Durham, Original Charters and Cartularium Vetus, ff. 9–10, with their witnesses, Osbert 'nepos' (later sheriff), Robert 'nepos,' William fitz Rannulf, Ranulf 'nepos' and archdeacon.

[4] Durham Charters, No. 6. Cf. *Regesta*, No. 322.

[5] Durham, Cart. Vet., fol. 68. Regal Charters, Nos. X and XI.

[6] John of Hexham in Simeon of Durham, ii, p. 312.

in the descendants of Geoffrey Fitz Geoffrey, lords of Silksworth and Horden.[1] To Richard, another nephew, the bishop gave land at Eighton, Ravensworth and Blakeston :[2] but it was land which belonged to the monastery and he had to return "quod voluntate et cupiditate mea abstuleram,"[3] as one penitent writ explains.

He died in 1128 after restoring all the goods which he had unjustly seized from the monks.[4] The restless and unceasing energy of which his biographer speaks left its mark on his buildings at Durham and Norham. But it also had been applied to a purpose not so obvious to the chroniclers. He worked under Rufus in the period when those elements in the king's position which distinguished it from, and set it to some extent in opposition to, that of the feudal baronage were showing themselves and could be exploited. The most obvious sources of irregular revenue —confiscations of monastic goods and the like—still offered attractions. In such tyrannies the king was no different from a Mortain,[5] a Meulan or a Buckland.[6] Were Ranulf's unpopularity merely that of a robber protected by royal power it would be of no significance ; but behind this is the development important for the future : the extension of the royal authority throughout England, the widening of the king's relations beyond those of mere overlord to tenant-in-chief, the increasing interference in local affairs through itinerant justices and use of shire courts. To meet the needs of such a development there was the increasing complication of administrative offices, the appearance of more independent officials, the idea, and perhaps the existence, of the Exchequer. It is in this rather than as the "lawyer of feudalism" that Ranulf was important. He has left evidence of carrying on the same process at Durham,

[1] Lapsley, *op. cit.*, p. 316.
[2] *Feodarium Prioratus Dunelmensis*, p. 145 (Surtees Soc., Vol. 58).
[3] Durham Charters, Nos. 1 and 2.
[4] Simeon of Durham, ii, p. 231.
[5] D.B., i, 120 b, for complaints of his thefts from the church of Exeter.
[6] *Hist. of Abingdon*, R.S., ii, p. 43, for the depredations of these two.

and of rousing the same opposition. Rufus himself appeared to continental observers only as the most dashing king in Europe,[1] but the work of Ranulf and those around him also made the reign an influence on the formation of mediæval administration.

[1] Suger, *Vita Ludovici*, pp. 10–11.

WOBURN ABBEY AND THE DISSOLUTION OF THE MONASTERIES

By Miss Gladys Scott Thomson, M.A., F.R.Hist.S.

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A prolonged search has recently been undertaken by the present writer with the permission and encouragement of the Duke of Bedford with the object, in the first place, of locating if possible the records of the Cistercian abbey of Woburn and, in the second, of ascertaining what material hitherto unused, or partly unused, exists in the Public Record Office and elsewhere concerning the history of that abbey at the time of its dissolution and immediately subsequent thereto.

It may be said at once that the first object of the search has ended in failure. The ancient deeds and charters of the abbey have disappeared and there is, unfortunately, some ground for believing that they are no longer in existence. The late Cardinal Gasquet held fast to the hope and expectation that ultimately a detailed examination of the muniments of the Dukes of Bedford would disclose the early deeds and other documents of Woburn Abbey. In this expectation he would have been disappointed. The present Duke of Bedford is himself keenly interested in the history of the abbey and gave full facilities for a comprehensive search among all his muniments and papers. The melancholy result is that no trace of the early Woburn deeds, in a collection which has preserved everything belonging to other property, has been found.

There is, indeed, reason to think that these deeds were never in the possession of the Russell Earls and Dukes of

Bedford. It is necessary to remember that it was not a case of the monks going out and the Russells coming in. John Lord Russell, afterwards first Earl of Bedford, did not receive his grant until nearly ten years after the attainder of the abbot and the dissolution of the monastery, and even then it was only a reversion of a twenty-one years' lease which had been granted elsewhere by the Crown. 1562 is the earliest date on which we hear of any member of the family living at Woburn, and it was not until 1625 that they made it their permanent home.

At the same time, this search has been of very great assistance in pursuing another, made simultaneously, among papers in other depositories. This latter search has yielded far more satisfactory results in that a considerable amount of material has been found which not only clears up some matters of doubt concerning the attainder and execution of the abbot and the events which followed, but also serves to illustrate the manner in which the Crown dealt with attainted abbey lands. Amid this material occur various pointers which at least offer some suggestions as to what may have become of the abbey records.

From the *Valor Ecclesiasticus* and the Ministers' Accounts among the Augmentation Office papers we can construct a tolerably clear picture of the economy of the abbey just previous to the dissolution. Of the appearance of the building, except by analogy with other Cistercian abbeys, we know nothing. The position of the graveyard, which is known, makes it certain that the abbey stood on the site of the present house; but neither Inigo Jones, who rebuilt it for the fourth Earl about 1627, when the family first took up their residence there, nor Flitcroft, who again rebuilt it, for the fourth Duke, between 1756 and 1760, had any interest in the ancient building. The business of each of those eminent architects was to replace the old by the most perfect specimen possible of the new of his day, although Flitcroft did sufficiently respect part of his predecessor's work to allow one front to be incor-

porated in his own building. The present Duke of Bedford has had the foundations of the present building, Flitcroft's structure, thoroughly examined with a view to ascertaining whether any trace of the monastic building could be found. The result proves that Flitcroft did his work, from one point of view, but too well. The monastic stone, or part of it, is, indeed, still there, but so interwoven with that used in the seventeenth century and the new material introduced in the eighteenth that it is impossible to say whence the individual pieces were taken. Outside, the gatehouse and the great barn survived at least until the end of the seventeenth century, but they, too, have now disappeared and the sites cannot be identified with any certainty. As far as the interior of the abbey was concerned, we know from Dr. Petre himself that it was but poorly furnished since there had been a fire there which had destroyed most of the hangings and the plate.

The valuation of this abbey corresponds with that of many others mentioned by the late Professor Savine [1] in which there is a considerable difference between the figures of the *Valor Ecclesiasticus* in 1534 [2] and those of the first Ministers' Account in 1538.[3] Woburn was by no means one of the richest abbeys, although it was not one of the poorest. The *Valor* assessed the gross general income as £430 13*s.* 11½*d.*; the Ministers' Account shows an increase of as much as £98 14*s.* 3*d.* on to those figures, a difference which was duly noted in the certificate drawn up by the auditor.[4] A comparison of the two shows that it was not a case of any substantial part of the property being omitted in the *Valor*, but that nearly all the figures in this survey are rather lower than in the Ministers' Account. The

[1] *Oxford Studies in Social and Legal History*, i, *English Monasteries on the Eve of the Dissolution*, pp. 31–75.

[2] *Valor Ecclesiasticus* (Record Commission), iv, pp. 212–13.

[3] M.A., Hen. VIII, 30.

[4] Rentals and Surveys, 23/18.

biggest discrepancy is, as usual, in the assessment of the demesne, where the difference is just over £30.

The demesne lands consisted of some 984 acres of mixed arable and pasture land and 470 acres of woodland, and was valued in 1538 at £87 17*s.*[1] There were also two great coney warrens, whose value was reckoned at £12. Within the demesne there were two granges which are of some importance in the history of the abbey at this period. One was Utcote, on the south-west side of the abbey and just beyond the village of Woburn, and the other Whitnoe, to the north of the abbey, now within the precincts of Woburn Park. Both of these granges had been reserved in the abbot's hands to meet the expenses of the guest house, where, just before the dissolution, there were pupils living with their own teacher.

Within Woburn and Crawley there were 310 acres in the occupation of tenants, the profits of which, rents and farms of leases, were £66 19*s.* 1½*d.*[2] The rectory of Birchmore, with the chapelry of Woburn, was set down as £7 19*s.* The remaining, and by far the greater, part of the income of the abbey, £348 7*s.* 11*d.*, which included spiritualities to the value of £70 15*s.*, was derived from manors and other lands in Bedfordshire and Buckinghamshire and single holdings in Oxfordshire, Huntingdonshire and Northamptonshire, and in London the farm of the Goldsmiths' Hall with an inn.

The administration of the abbey shown in the surveys illustrates well all that Professor Savine has said concerning the relations between a monastery and the local gentry, and the appointment of the latter by the former as lay officials.

For the estate in the immediate neighbourhood of Woburn there was a threefold administration. In the abbey there was the bursar, Dom Richard Newport. He is well known because it was in his chamber that the con-

[1] £53 9*s.* 8*d.* in the *Valor Ecclesiasticus.*
[2] £67 1*s.* 5*d.* in the *Valor Ecclesiasticus.*

versation concerning the dangerous book De Potestate Petri by Sir John Milward of Toddington took place.[1] Outside there were two bailiffs, Edward Staunton and his son, Robert, of Birchmore. These Birchmore lands lay adjacent to the demesne, west north of west, and they had formerly been abbey lands, but the Stauntons must have had either a grant or a lease of them before 1535, probably the former as they were not taken into the hands of the Crown at the time of the dissolution. The office of bailiff had first been held by Edward Staunton acting by himself,[2] but in November, 1535, his son had been joined with him by the abbot and convent at the instance of the representative of the founder, the Earl of Oxford.[3] Finally, there was the high steward, that picturesque and, as far as the history of the abbey was concerned, most sinister figure, Sir Francis Bryan, otherwise called, though not by the abbot, the Vicar of Hell. In the *Valor Ecclesiasticus*, for which he acted as one of the Commissioners for the deanery of Dunstable and Fleet, his salary is given as £5 6*s*. 8*d*. Later, there was to be considerable discussion as to how long before 1534 he had held his office.

It is noteworthy that these men, the bursar, the bailiffs and the high steward, played the foremost part in the downfall of the abbot and of the abbey, in the case of the laymen to their own very great advantage. The high steward bore the best-known name, and must have been incomparably the most important figure at this time in the annals of Woburn. Sir Francis Bryan claimed cousinship with Anne Boleyn, his mother was governess to the Princess Mary and he himself was high in favour with Henry. He was a typical gentleman of his day; a courtier; a diplomat; a country gentleman; a most active picker-up of offices and perquisites; and withal a minor poet of

[1] *Letters and Papers*, xiii, pt. 1, 981. Examinations in the Monastery of Woburn, 11 and 12 May, 1538.

[2] *Valor*.

[3] Grant recited in Survey of 8 October, 1542. Misc. Books, Augmentation Office, 357.

some distinction, the friend of Wyatt and Surrey.[1] Meres, indeed, placed him very high among the society of poets as "the most passionate among us to bewail and bemoan the complexities of love."[2] Whatever his faults, his friends, among whom was Roger Ascham, seem to have found him a man of singular personal charm. When he failed both the man and the institution who had given him the office of steward and threw them over for his own advantage, he was acting in the same way as many another steward of monastic property. His appointment had been in accordance with the usual procedure. As Dr. Savine has reminded us, enterprising gentlemen were always anxious to undertake the administrative work of some abbey and were encouraged to do so by the monks, who vied with each other in trying to secure influential peers and statesmen as their chief stewards.[3] Bryan was precisely the kind of person to whom an abbot and convent would turn as much on account of his influence at Court as of his local standing. It is true that his family had connections with Buckinghamshire rather than Bedfordshire,[4] but he was living in the latter county, for he held another office of importance there. On 20 August, 1525, he had been appointed steward of the royal manor of Ampthill, having for his residence the house known as the "little lodge," while the great house, then a fortified mansion, was reserved for the use of the King. Ampthill was high in favour with Henry, as with James I after him, partly because it was thought that the air there was particularly good and serviceable for the royal health, but chiefly on account of the excellent hunting afforded. The care for this hunting occupied most of the energies of Sir Francis, as it did of all the subsequent royal stewards. It was not an easy task, as each steward in his turn found,

[1] *D.N.B.*

[2] *Palladis Tamia*, 1598.

[3] *Op. cit.*, p. 251.

[4] No evidence has so far come to light to connect them with Milton Bryant, between Woburn and Dunstable.

since the local gentry were in the habit of hunting in the preserves whenever they thought they safely could. It is not quite clear which of the two stewardships Sir Francis held first, but the abbot might have been excused for thinking that the man who administered Ampthill was peculiarly desirable as steward of Woburn.

Upon their steward and tenant the abbot and convent relied when it became evident that trouble was at hand. But Bryan, whom the abbot trusted "as his most trusty friend," [1] had his own interests to look after. It was the irony of circumstances that at the end the proximity of Ampthill played its own part in the downfall of the abbot. Thither Henry had sent Katherine when he had first parted from her, and thither Cromwell, riding over from the neighbouring monastery of Dunstable, had brought her the act of annulment which her husband had commanded her to sign; and among the little company of gentlemen who rode with him had been Sir Francis himself. But, in spite of a persistent local legend that the unhappy lady had been still in residence there and compelled to look on when Henry had arrived with Anne in July, 1532, to enjoy that merry hunting of which du Bellay was an amused and interested spectator, this was not the case.[2]

The local tittle-tattle is repeated in the account of the examinations of the abbot and monks; one had whispered this and another had whispered that. The proceedings of the King himself must have emphasised the importance of the divorce question in the minds of all the neighbourhood. Now, two years after Anne had been brought to the block, those conversations were resurrected to strengthen the King's case against the Abbot and convent of Woburn.

[1] Cott. Cleop. E., IV, f. 89. Declaration of Robert, abbot of Woburn.

[2] Henry had ordered her in August, 1531, to quit Ampthill and to go to The Moor in the neighbouring county. The command seems not to have been obeyed immediately, but she reached The Moor before November and remained there during the following winter and spring. In June, 1532, she was again ordered to transplant herself and went to Buckden in Huntingdonshire. *Letters and Papers*, iv, Nos. 375, 512, 1127, 1187.

The assumptions by Froude, in which he was followed by Canon Dixon and by Dom Gasquet, that the abbot had been implicated in the Pilgrimage of Grace, that the trial took place at Lincoln and that the decision as to his fate had been left in abeyance until 1538 have been definitely disproved. The compiler of the history of the abbey in the *Victoria County History* has shown clearly that the house fell for political reasons unconnected with the Pilgrimage of Grace and that the trial did not take place at Lincoln, but within Bedfordshire.[1] The writer of that article was however misled in certain particulars. The deduction is made from the marginal note "Bedd'" on the controlment roll of 30 Henry VIII recording the attainder that the abbot, with the two monks, was tried at Bedford at the Summer Sessions. This was not the case. That the marginal note refers to the county and not to the town is made quite clear by the indictment, the existence of which has hitherto been overlooked.[2] The abbot was tried by a local jury in his own place, nor can there now be any doubt as to his offence against the Crown.

It is unnecessary to do more than summarise the course of the preliminary events, of which Froude wrote a picturesque account, using the abbot's own Declaration, and which are given in full detail in the *Victoria County History*. To recall briefly the main facts: in May, 1538, John Williams and his fellow Commissioner, Dr. Petre, arrived at the abbey; the goods were seized on the 5th and the administration of the estates taken over by Williams, acting with John Asshton, the auditor for the King's Surveyor-General; on the 11th and 12th the monks were brought up for examination before the Commissioners, the reports of which examination were taken to London by Williams. As a result, the abbot, the sub-prior and the sexton were committed for trial. They were not, however, taken to Bedford.

The indictment shows that the Commission to hear Treasons in Bedfordshire was appointed on the 26th of

[1] *V.C.H., Beds.*, i, p. 309.

[2] K.B., 9, File 540, mm. 2–3.

the month, the Commissioners being Edmund Lord Bray, John Lord Mordaunte, Sir Walter Luke, Sir William Parre, Sir William Gascoigne, Sir John St. John, and John Williams, John Gostwike and Thomas Fitzhugh. The precept to the sheriff followed on 3 June, to cause to come before the aforenamed justices of the same Lord King at Abbottes Woburne in the county of Bedford on Friday next after the feast of Pentecost then next following from every hundred in his bailiwick twenty-four as well knights as other good and lawful men, and from the " corpus " of his county twenty-four of the most discreet and sufficient persons by whom the truth of the matter in the premises would best be known and to make inquisition concerning those things which on behalf of the Lord King should then and there be enjoined upon them, etc.

The trial, then, took place at Abbots Woburn on the 14th June, 1538, the Friday in Whitsun week, before the nine Commissioners. The jurors were John Davy of Ampthill, Thomas Vernam, gentleman, John Carter, William Cotton, William Pantoft, William Sybthorpe, John Laurens, William Borne, Thomas Borage, Richard Reve, Robert Hethe, John Wellys and Richard Hawkyns. The first two Acts cited in the accusation were the Act of Supremacy[1] and the Treasons Act of 1534.[2] The abbot, it was stated, had been heard to say on the 10th January, 1537/8, at Woburn, and on several other occasions both before and after, that :

" The Bysshop of Romes Auctorite is good and lawfull within this Realme accordyng to the old trade and that is the true waye And the Contrary of the kynges parte but vsurpacion disceyued by flattery and adulacion."

This would have been enough, and more than enough, to ensure his condemnation. But another accusation was brought forward. Events had moved rapidly since the merry hunting at Ampthill. Katherine and Anne both lay in their graves. The second Succession Act, of 1536, had

[1] 26 Hen. VIII, c. 1 : *Statutes of the Realm*, iii, 492.
[2] 26 Hen. VIII, c. 13 : *Statutes of the Realm*, iii, 508.

recognised the alliance with Jane Seymour as the only legitimate marriage contracted by the King and any children of that marriage as the King's only lawful heirs.[1] Now, when the Abbot of Woburn came to trial, Henry had his undoubted heir, that "most dearest son" at whose christening in Hampton Court Chapel the previous October Sir John Russell, afterwards first Earl of Bedford, had taken charge of the font. It could matter little, provided only that the boy survived, were either or both of his sisters declared legitimate or illegitimate. But it was not intended that there should be any doubt as to the non-validity of the King's earlier marriages, nor the illegitimacy of the two princesses. The third Act cited against the abbot was the Succession Act of 1536; the jurors agreed that on the same date and at the same place as he had denied Henry's headship of the Church, he had falsely, maliciously and treacherously spoken these English words:

"Yt is a mervelous thyng that the Kynges grace could not be contented with that noble quene his very true and vndowted wyffe quene Kateryn."

The indictment shows what could be made of both remarks, and the trial must have been a rapid one. Indeed, under the terms of the accusation, the jury had, if they valued their own freedom, even their own lives, no alternative but to convict. The abbot attempted no defence, but confessed his guilt on both counts, and the verdict was pronounced that the said abbot should be taken to the prison whence he had come and be drawn thence through the midst of the town of Woburn aforesaid to the "furcæ" and there be hanged, and while living thrown to the ground and his bowels taken out and burned, and his head cut off, and his body divided into four quarters. After which his head and the quarters of his body should be set where the King should appoint.[2] The indictment of the

[1] 28 Hen. VIII, c. 7: *Statutes of the Realm*, iii, 655.

[2] For the attainder, see K.B., 29/171, m. xvid, and *Letters and Papers*, xiv (1), 867.

two monks continues on the same parchment with a line or two in between.

Two points, not of themselves of any very great importance, but of interest for the history of the abbey, especially in connection with local tradition, the indictment leaves unsettled. The date appointed for the death is not mentioned, and it is left unspecified where were the "furcæ" on which the unfortunate man met his end. A tradition so strong that it must be treated with respect points to an oak tree in sight of the abbey, 193 yards from the south-west corner of the west front, as the scene of the execution. Loudoun, who saw it in 1836, estimated its age then as 500 years. If that excellent authority be accepted, then in 1538 it was about 200 years old.

As to the date of the death, about which there have been almost as many wrong inferences as about the place of the trial, there is one small pointer only. The King's Courts were much more interested in the administration of the property than they ever were in the death of the former custodian, and for the purposes of their accounts and decrees some specified dates had to be arrived at. Thus, the Court of Augmentations later, in a decree as to the stewardship, dated the actual dissolution from the day of the trial, 14 June, 1538,[1] but the first Ministers' Account allows that the lands had been occupied by the monastery six days longer, until the 20th June. It seems just possible that this was the date of the execution.[2]

[1] See *infra*, p. 145.

[2] Another statement in the *V.C.H.* article may cause confusion. The writer infers a close relationship between the Abbot of Woburn and his diocesan since the two were "near neighbours" when the Bishop of Lincoln visited "his manor of Woburn." But the one-time episcopal manor is nowhere near Woburn in Bedfordshire. It lies on the farther side of Buckinghamshire, almost on the Berkshire border, and has never had any connection with the Bedfordshire manor of the same name except that for a short time both were in the hands of Francis, second Earl of Bedford. To-day the distinction is clear as the Buckinghamshire manor has retained the spelling of "oo" which that in Bedfordshire has lost. Before the spelling of each became stereotyped, the two were not infre-

The attempt to trace what became of the remaining monks has only been partially successful. The depositions taken by the Commissioners indicate that there were at least twelve monks at Woburn at the time of the dissolution, excluding the abbot and the sub-prior. One, the sexton, perished with his two superiors. Of the remaining eleven, the subsequent history of five can so far be traced. Edward Bune, alias Edward Woburn, who had been priested some seven months earlier, on the 22nd September, 1537,[1] held for a time the rectory of Fortho in Northamptonshire. Subsequently, in 1553, he was instituted rector of Grafton Regis in the same county and on the 26th March, 1560, rector of Eversholt in Bedfordshire. The 1561 Parker Certificate in the library of Corpus Christi College, Cambridge, speaks of him as unmarried and holding two livings, presumably Grafton Regis and Eversholt.[2] Robert Slingsby [3] held first the vicarage of Stagsden in Bedfordshire, a living in the gift of St. John's College, Oxford, and then the rectory of Aston on the Walls, Northamptonshire, a Crown living, which he was holding at the time of his death in 1585. Thomas Toller, or Tailor, appears as curate of Woburn in 1538. Later, in 1558, he was given the rectory of Stibbington, Hunts., a living in the gift of the Earls of Bedford, having been part of the inheritance of Anne, Countess of Bedford. These three, according to the Lincoln ordination

quently confused, notably in the various accounts of the itinerary of King Charles during the Civil War, he having on several occasions made a stay at both places.

[1] Bishop Longland's Register, f. 55b. He had been ordained subdeacon on the 25th May, 1532; *ibid.*, f. 31.

[2] I owe this information, as almost all I have gleaned concerning the dispossessed monks of Woburn, to the kindness and generosity of Mr. Geoffrey Baskerville, who has placed his knowledge of the dispossessed religious after the dissolution of the monasteries and his particular researches as to what happened within the diocese of Lincoln at my disposal. The lists of rectors in the churches of both Grafton Regis and Eversholt record the institution of Edward Bune, and each gives the date for the next institution as 1563. I am much obliged also to the rectors of both churches for assisting me with information.

[3] Ordained and priested with Edward Bune.

registers, were among the younger members of the community. All three had only been priested just before the dissolution and there had not been an undue interval in any case between the deaconate and the priesthood.

Two of the older men are found living at Woburn. One was William Styl, or Stolt, formerly Abbot of Vaudey, who, in 1534, had been the cellarer at Woburn.[1] The other was John Grace, who can only be traced by a glimpse we have of him, in company with William Styl, in 1545 when Sir Francis Bryan, in even greater prosperity than before, needed their evidence to prove he had been steward of their convent.[2]

Of all the men who, it is safe to assume, had their eye upon the abbey lands, there were three in particular who were in an extremely strong position when it came to the distribution of those lands. Two of them, for the time being at all events, were remarkably successful in getting what they wanted. The third failed to do so, very surprisingly, seeing who he was. It is plain that during the summer months of 1538, while the business of the trial and the attainder was proceeding, Cromwell was taking an active interest in the affairs of the abbey and had marked down the demesne at least as a desirable possession for himself. He was no friend of Sir Francis Bryan, whose downfall he had hoped to bring about when Anne was brought to trial. Sir Francis had, indeed, been among the most ardent of those who had furthered the marriage and had been employed by Henry in the negotiations with the Pope; but once Anne was disgraced, he showed himself as vehemently her opponent as he had formerly been her supporter, and all that was left for the disappointed Cromwell to do was to invent for his rival the title of "Vicar of Hell." Now, two years later, Cromwell would have been only too glad to have secured Woburn and to have turned out the steward. Again he was frustrated. It is true that his appointment as chief steward of the lands beyond the

[1] *Valor;* E. 101/76/26.

[2] See *infra*, p. 145.

Trent was made to include the lands belonging to Woburn,[1] but he got no further. His subordinate, John Williams, was actually at Woburn and on 16 July was appointed Receiver-General of the estates. What passed between Williams and Sir Francis Bryan, with his particular knowledge of the estate, can be filled in by any active imagination. They must have come to an understanding in their own interests and almost immediately after the attainder they secured leases by which the demesne lands were divided between them. Williams took the grange known as Utcote, with the land, meadows and the coney warren. Sir Francis Bryan had Whitnoe Grange, together with the site of the abbey itself, the other coney warren and the great pond which lay, and lies to-day, between the town of Woburn and the abbey. The pond, at all events, he had already leased for some years from the abbot and convent. It may be that he had also been their tenant at Whitnoe. There are indications which might be read either way; but, although the value of the two granges in rents and farms of leases are shown in the account of 1538, the rentals which John Asshton, the King's Auditor of attainted lands, made some time in June of that year have not been found. To-day the house at Whitnoe has entirely disappeared, and the site has long been occupied by kitchen gardens. It lay to the north of the abbey, close by the road which ran east and west through the demesne. This road has also long ceased to be used since the fourth Duke constructed that used at present, but the tracks of the older path can still clearly be seen bounded on either side by the great oaks which certainly date long before the days of Sir Francis Bryan and under which he must often have ridden.

Bryan must be accounted fortunate. When he failed to support the abbot who had trusted him, he may well already have had his eye upon the abbey lands, indeed we may go further and say that certainly was the case. But there was more behind; for a short time at least he

[1] *Letters and Papers*, xiv (1), p. 593.

must have known that he was himself in an extremely precarious position, seeing that one of his servants had also been accused of speaking against the Act of Supremacy and had been taken as a fugitive in Newcastle, where he was preparing to go overseas.[1] The master might easily have been involved, and there was Cromwell's enmity to be reckoned with.

The actual dates on which the leases were granted to Bryan and Williams are not evident, but it must have been immediately after the attainder of the abbot, for the first Ministers' Account shows what had happened. It was the bailiffs, Edward and Robert Staunton, who accounted for the monastic lands at Woburn itself that Michaelmas, just as various collectors accounted for other outlying manors. They made their payments to John Williams, as Receiver-General, or to his deputy, Lawrence Lovet, who held the bills. As far as Bryan and Whitnoe Grange were concerned, they accounted that he owed rents for diverse parcels of the demesne and also 42*s*. for the farm of the site of the late monastery, with three pightles of pasture, gardens, orchards, ponds and fishstews enclosed within the monastery walls, and for the great pond at the end of the town of Woburn ; but a *pro rata* allowance was made because these had all been held to the use of the monastery for three-quarters of that year. The total payment due from him for the site and half the demesne was £49 ; the payment due from Sir John Williams for his half of the demesne was £50.[2] The two of them, therefore, seem to have divided Woburn between them as equally as they could.

Cromwell's persistence, however, was worthy of a better cause and he did not even yet despair of securing Woburn. His hopes were again raised when in the following September he learned from his friend Gyffard that Bryan was ill and

[1] *Letters and Papers*, Vol. 134, ff. 215–20.

[2] The valuation was according to the first Ministers' Account, not according to the *Valor Ecclesiasticus*.

that it was thought he would not recover. Gyffard urged Cromwell, not that we need suppose the latter needed any urging, to press for the manor of Woburn when Bryan died.[1] The final disappointment was that Sir Francis did not die. He lived, indeed, to love and fight and to enjoy his estates for some years after the storms which had wrecked Wolsey had overwhelmed Cromwell also.

It is important to notice that when that account was made at Michaelmas certain records of the abbey were still in existence. The late bursar showed the particulars of monies received before the dissolution, which were written up in a book, while other rents received by the late abbot were proved by reference to his (the abbot's) book.

In 1542 Woburn was added to the royal honour of Ampthill, perhaps as part of the general plan for absorbing the lands in the King's hands into his neighbouring honours. A complete survey of the honour was made for the purpose and Woburn itself was surveyed on the 8th October of that year.[2] Williams continued to act as Receiver-General and we have his accounts from 1542 to 1547, during which time he paid in his monies to George Wright, who was Receiver of the Revenues of the Court of Augmentations in Berks., Bucks., Oxon. and Beds.[3] On the 20th September, 1546, he renewed his lease of half the demesne lands, including Utcote Grange, for the term of twenty-one years.[4]

The activities of Sir Francis Bryan while Williams was pursuing his way as Receiver-General were more varied, but, unfortunately for the history of the abbey, they centred round Ampthill rather than Woburn. It was necessary to keep the hunting-ground well supplied with red deer [5] and

[1] *Letters and Papers*, xiii, Pt. ii, No. 312, 9 September, 1538. George Gyffard to Cromwell.

[2] Misc. Books, Augmentation Office, 357.

[3] M.A., Hen. VIII, 32–5.

[4] Rentals and Surveys, 23/19.

[5] E. 314/22 (in a file of "Warrants addressed to Sir Edw. North, Treasurer of the Court of Augmentations, 32–5 Hen. VIII": formerly

to see that the house was kept in good repair.[1] Actually, an entirely new lodge was built. Here, however, there was trouble, for, to Bryan's fury, it proved that the chimneys "caste suche smoke that ys not to be byddyn."[2] Another and more serious personal trouble was that his income had fallen off, for his fee as steward of the abbey was in arrears since the 14th June, 1538, the date of the abbot's attainder. The first evidence so far found of his insistence that the office was still his is when, on the 15th April, 1545, William Stolt, late cellarer of the monastery, and John Grace of Woburn, clerk, together with the Stauntons, were called upon to prove that he had received the grant of the stewardship from the abbot and convent, with the implication that that grant had not been cancelled by the attainder. Obviously Sir Francis could produce neither the grant itself nor any record of it, nor would his witnesses commit themselves to any fixed date; but the evidence that he had been steward "long before the dissolution," as well as his continuance of the office, was accepted since in July of the following year he obtained from the Court of General Surveyors and also from the Court of Augmentations, into which the Surveyors-General were merged that year, decrees restoring to him the arrears of his fee.[3] That same year, in November, another former lay official of the abbey, Robert Everingham, was able to obtain a similar confirmation of his office of woodward in all the woods of the abbey, but he had the advantage over Bryan in being able to produce the grant of the office, which had been made to him by the abbot and convent on the 4th May, 1538.[4]

K. R. Anct. Misc., 75/24). A warrant, signed by Henry VIII, dated 1540, ordering Sir Francis Bryan to take 201 "qwick redde dere" out of the royal park of "Beskewood" into the park which lay beside Ampthill.

[1] E. 314, Bdle. 29, ff. 36, 55 (unnumbered file marked "File of Bills of reparations upon Castles, etc., and receipts"); E. 314, Bdle. 27 (unnumbered file of "Reparations") (No folio number). [2] *Ibid.*

[3] E. 315/106 (Augmentation Office Misc.), No. 106, f. 112d. Misc. Book, 104, f. 189d.

[4] E. 314/27 (unnumbered file marked "Wardour, etc."); E. 314/104 (Augmentation Office Misc.), f. 159.

It would be interesting to know, what we do not know, whether Williams ever settled with Bryan for those arrears. The only record found of any actual intervention of Bryan's at Woburn is of his using nine loads of timber from Woburn Wood for making a house, butts and seats at "Brogborough Parke" in preparation for the visit of Edward VI in 1547/8.[1] Here, however, he was acting in his capacity of steward of the honour of Ampthill, for the great timber at Woburn had, as was usual, been expressly reserved to the King in the leases to Bryan and Williams. Both these leases had now been renewed; that to Williams, as we have seen, in 1545, and that to Bryan the year previous, on the 9th July, 1544. As before, the latter included Whitnoe Grange and the site of the monastery, and was now to run for a further twenty-one years.[2]

It is very doubtful whether Bryan ever lived at the abbey. If he used any residence at all on the estate, it was most probably Whitnoe Grange. There are a few letters from him dated at Woburn, but this does not necessarily mean the abbey. There is also one paper, unfortunately undated, which refers to "Wooburn Abbey beyng nowe Mr Frauncys Bryans place." [3]

There is, however, evidence that Bryan had a tenant in the abbey. In the account for the year ending Michaelmas, 1545, an allowance is made upon William Smythe of London, "the assign" of Sir Francis Bryan, for half the rent of that year.[4] The other half-year's rent, £24 11*s.*, had been paid, apparently, by Smythe. It seems possible that this Smythe was about to occupy the abbey, for he is almost certainly the same man who within the next year or two, presumably having moved from London, was to make good his place within the county and style him-

[1] E. 314/29 (Augmentation Office Misc.), unnumbered file; pp. 36–56 in a section marked "County Beds."

[2] E. 315/185, f. 2.

[3] Augmentation Office Proc., 10/2. Petition of John Osborne.

[4] M.A., Hen. VIII, 34.

self William Smythe of Woburn.[1] He became Surveyor, under George Wright, of the King's lands in Bedfordshire, and by 1548 appears as steward not only of Dunstable but of Woburn,[2] possibly because Sir Francis Bryan had gone, or was about to go, on his last enterprise. But before this letters patent had been issued which gave the abbey of Woburn a new owner.

King Henry the Eighth had died on the 28th January, 1547. He had desired that certain of his executors and others should receive grants of land to the value of £100 a year. Among those named was John, Baron Russell of Chenies. On the 16th July following, just a year after Bryan had secured his award of the arrears of the steward's fees, the reversion of his lease, together with that of Williams, and also of the lease granted to one Christopher Clerke of the rectory of Birchmore [3] with the chapel of Woburn, was granted to Lord Russell, who was also to have the rentals in Woburn and Crawley.[4] The value of this reversion, the demesne, the rectory and the Woburn and Crawley rents, was again estimated according to the survey of 1538 and amounted to £168 18*s.* 0½*d.* in all.[5] The value of the wood-

[1] The *Visitation of Bedfordshire*, 1634 (Harl. Soc.), p. 139, gives "Will'm Smyth of Woborne in com. Bedfford, Esq., Anno 3 Edward VI." None of his descendants are so styled. His son is "George Smyth of Bickleswade in com. Bedfford."

Further information concerning this Smythe has been found among the Clavering deeds of Christ's Hospital (Box 3). An indenture dated 7 March, 35 Hen. VIII, is between Henry Parker, gent., and William Smythe of London, gent. Subsequent indentures dated 4 and 6 Edward VI refer to the latter as William Smythe of Woburn, co. Beds., Esq.

[2] E. 314/27 (unnumbered file marked "Wardour, etc.") (Papers supplementary to the Accounts of George Wright, Esq., Receiver-General of the King in co. Beds.).

[3] The history of Birchmore is very difficult to follow, and so far all attempts to elucidate it have been baffled. It was the parish in which Woburn grew up, but repeated attempts to find any trace of the church have been a complete failure, although the position of the churchyard is marked in a survey of 1661.

[4] E. 318, Augmentation Office (Particulars for Grants); *Cal. of Patent Rolls*, Edw. VI, i, pp. 6 *seqq.*

[5] The clerk who drew up the grant had, I think, in front of him the survey of 1542, made when Woburn was added to the honour of Ampthill,

land was not included, since the wood was again reserved for the use of the Crown. As the promise had only been for land to the value of £100, Russell was required to pay £68 18*s.* 0½*d.* in rent to the Crown.[1] The Crown kept the remainder of the abbey estates in its own hands. As far as Bedfordshire was concerned, Edward VI alienated part of the property, but the more important manors and the greater part of the lands were retained until the end of the reign of Elizabeth, when there were extensive sales.

There is no evidence that the property which was to play such an important part in the history, both social and political, of the Russell Earls and Dukes of Bedford had any particular significance for the first grantee beyond the fact that it was the fulfilment of what he had been promised. When the grant was made, the demesne was still let in moieties to Williams and Bryan, and Bryan's lease, of which there were still eighteen years to run, included the site of the abbey.

But Bryan's varied career was drawing to a close. The end of it suited well the character of the whole. Early in 1548 the Lord Protector and the Council heard with alarm the news that Joan, daughter of FitzGerald, fourteenth Earl of Desmond, and widow of the ninth Earl of Ormonde, was preparing to marry her cousin, Gerald FitzGerald, son and heir of the fifteenth Earl of Desmond. That marriage had to be frustrated at all costs and the suggestion was put forward that Sir Francis Bryan, being now a widower, might usefully be sent to Ireland to intercept the proposed marriage by wooing the lady himself. The scheme was for the moment completely successful. The marriage was accomplished and Bryan was given succes-

as well as the Ministers' Account of 1538. The total values in 1542 differed but little from those arrived at in 1538, but the method of reckoning was somewhat different.

[1] In 1671 this rent was extinguished by a payment to the Crown of a capital sum of £1,035 18*s.* by William, fifth Earl, afterwards first Duke, of Bedford, great-great-grandson of John, Lord Russell, first Earl of Bedford; Close Roll, 23 Chas. II, p. 12, No. 22.

sively the offices of Knight Marshal and Lord Justice for Ireland. But he had made his last venture into the "complexities of love." On the 2nd February following, 1549/50, he died suddenly in the inn at Clonmel, "Died," said Ascham, "full of youthful conditions . . . and evermore wold have been."[1] The circumstances of his death were considered sufficiently suspicious to warrant a post mortem being held, but it was finally decided that he had died of grief, a conclusion for which there is no explanation, unless, indeed, his final adventure in love may have disappointed him.[2]

What, then, happened to Woburn after its one-time steward had been thus removed? There is very little information. Lord Russell, receiving his earldom of Bedford in the year in which Bryan died, survived to enjoy his honours for another five years. It does not appear that he ever visited Woburn or took any interest in it whatsoever. William Smythe was still in the abbey as a tenant in 1552,[3] and it is at least probable that he continued there for some years afterwards. But we are hampered in investigations first by the fact that there are very few accounts for the Receiver-Generalship of George Wright, who had the counties of Berks., Bucks., Oxon. and Beds., and among those that do exist there is only one entry for Woburn, and that one far from clear.[4] Further, although there exists an admirable statement of the Earl of Bedford's income for an earlier stage in his career, there is nothing at all for the later years, much less anything that throws any light upon Woburn.[5] During those last years of his life, the Crown required his presence constantly in the West of England. When he was not there, his time was divided

[1] *The Scholemaster*, 1568, ed. Mayor, p. 129.

[2] Bagwell, *Ireland under the Tudors*, ed. 1885, i, p. 346. His widow lost no time in taking as her third husband the nobleman she had hoped for as her second.

[3] E. 179/72/154.

[4] S.C. 6 (Ministers' Accounts), Edw. VI, 678.

[5] Scott Thomson, *Two Centuries of Family History*, pp. 167–71, 181, 182.

between Chenies, which his wife had brought him on her marriage and which was his principal house, and his London house, Russell House by Ivy Bridge in the Strand. It is most unfortunate that not only has no inquisition post mortem for Sir Francis Bryan been discovered, but also that all those which must have been taken in the various counties on the death of John, Earl of Bedford, have disappeared save one only, that for Hertfordshire, where the smallest portion of his property lay.

Immediately after the death of the first Earl, his successor, Francis, went abroad. He returned only at the end of Mary's reign to fight under her banner at St. Quentin. By 1560 Smythe was no longer at the abbey,[1] and in 1562, for the first time, we hear of a Russell there. The Earl and his wife were staying there, and there the Countess died of small-pox.[2] Possibly this gave the second Earl a distaste for the place. At all events, like his father before him, he regarded Chenies as his principal mansion and used Woburn entirely as a subsidiary residence, remarking when Elizabeth came thither on a visit that the place was but ill suited to receive her.[3] His grandson and successor, the third Earl, took no interest in Woburn whatsoever, nor could he in any case have gone to live there even had he wished to do so except by special permission. He paid for his support of the Earl of Essex not only by a heavy fine but also by being forbidden to fix his residence beyond a certain radius around London.[4] Under the circumstances, especially considering that he was in debt, it is not surprising that he thought of selling Woburn and would have done so but for the intervention of his uncle, Lord Russell of Thornhaugh, the heir apparent and youngest son of the second Earl. Then in 1625, thirteen years short of a century after the dissolu-

[1] E. 179/72/161.

[2] *Roxburghe Club*, 1916, *Lives of Lady Anne Clifford and of Her Parents*, pp. 3, 18.

[3] Duke of Bedford, *History of a Great Estate*, p. 15.

[4] Papers *penes* the Duke of Bedford.

tion, Lord Russell's son, Francis, now himself Lord Russell of Thornhaugh, arrived at Woburn with his wife and children. They had been living at Chiswick, but had fled before the plague which had been carried there by fugitives from London. Woburn, the property of the cousin to whose title, in turn, Lord Russell of Thornhaugh was shortly to succeed, was standing empty and to Woburn the family came, planning to return as soon as it was safe to their house at Chiswick. They never went back, save for short visits, and Woburn was never again abandoned. The next generation knew it, as it was henceforth to be known, as the principal place of residence of the Russells.

That, in brief, is the history of the abbey at the dissolution and immediately subsequent thereto. The deeds and charters which it was hoped might illustrate its story in an earlier time have not been found. Only negative evidence can be brought forward to show that in all probability they never came into the possession of the Earls of Bedford at all, but that negative evidence appears very strong.

In the first place, we may take it as certain that Tanner's statement in the 1744 edition of the *Notitia Monastica* [1] that the Duke of Bedford had the "Registra, computos, rotulos curiæ, cartas originales, etc.," for Woburn was founded upon mere supposition. It does not appear in the edition of 1695 compiled by Thomas Tanner. Whence his successor, Bishop Tanner, had it, with many other references, is clear. A copy of the 1695 edition preserved in Bodley's Library, having on the fly-leaf at the beginning "James West, 1733," has many notes added to different entries in the latter's handwriting. Among others under Woburn is inserted "Registrum f. penes Ducem Bedfordiæ." [2] Also, the manuscript Tanner 457 is the *Notitia Monastica* as prepared for the press by Bishop Tanner. At the end of this manuscript are various notes

[1] P. 4.
[2] Bodleian MS., Gough Eccles. Top., 31, p. 11.

made in the handwriting of James West, among which appears again under Woburn : " Registrum et Cartas penes Illustriss. Ducem Bedfordiæ." It may well be that in some cases at least West was merely putting down what he thought would be the natural location of the manuscripts. An examination of his entries under other headings shows that he had, at all events, no reliable information what was or was not among the archives of the Dukes of Bedford.[1]

Apart from this, the proceedings of the fourth Duke are perhaps the best evidence that Bishop Tanner, or rather James West, had set down what he supposed, not what he knew, to be a fact. At the time when Tanner was making his compilation the Duke was taking a particular interest in the history of his estates. He had already had a careful examination made of his magnificent set of Northampton deeds, which illustrated the history of the Thornhaugh estates, and the fief of St. Medard in particular, and his own descent through the first Countess from the Lords of that fief. At the same time, he was having drawn up an elaborate manuscript detailing all the deeds referring to lands which were or had been in the hands of his predecessors. This was completed within twenty years of the publication of Bishop Tanner's volume. The compiler of that manuscript was a confidential clerk, who did his work admirably. He knew and carefully noted down all deeds relating to the property, going, in the case of Northamptonshire and Devonshire estates, back

[1] For example, he locates the Cowick deeds among the archives of Eton College. The alien priory of Cowick, in Devon, had been granted in 1451 by Henry VI to Eton College as part of its endowment. Tavistock Abbey protested on the grounds that a religious endowment should not be transferred to a secular college. Edward IV yielded to the protests and, in 1464, took the property out of the hands of Eton to re-grant it to the abbot and convent of Tavistock. At the same time, the deeds, if they had been transferred to Eton at all, must have been handed back to Tavistock Abbey, and they remain with the other abbey deeds in the archives of the Dukes of Bedford. I had thought at first that Bishop Tanner's statement might refer to some deeds that had been left at Eton, which he had seen, but Dr. Montague James informs me this is not so.

to the twelfth century. For Woburn, which was the principal residence of the Duke and in which it is known he took the most interest, the compiler could find nothing behind the grant to John Lord Russell, which had been kept and is still in an admirable state of preservation.

If, then, the deeds which Tanner supposed had been handed over with this grant had disappeared, it must have been long before 1744. But it is far more probable that the grant of the abbey was delivered to John Lord Russell without any of its ancient deeds or charters. Various notes show that that grant, together with all the deeds relating to the various estates, was kept from the first in the successive London houses.[1] It is in the highest degree improbable, seeing how carefully the muniments of the Earls of Bedford were preserved, that any deeds referring to the Woburn property in particular should have been lost or destroyed as a whole.

Lord Russell would, in any case, have only received the deeds that went with that part of the property, the demesne lands and so forth that comprised his grant. That property remained as it was in his day, a comparatively small, compact estate, without any enlargement, until the end of the seventeenth century. Then, the fifth Earl and first Duke, who had profited greatly by his adventures in trade, in the later years of his life began to buy in a little, though not a great deal, of the outlying lands, and left instructions to his executors to buy more for his grandson and successor. His great-grandson, John, the fourth Duke, continued this process on a much more extensive scale so that a number of manors and other lands, originally part of the monastic estates, were joined again to the property. There seemed to be grounds for hope that among the deeds which should have been handed over with these purchases there might be found some of

[1] Russell House, on the south side of the Strand, between the Savoy Chapel and Ivy Bridge Lane; Bedford House, on the north side of the Strand; and Bedford House, formerly Southampton House, Bloomsbury.

the monastic deeds. Still more, when Ampthill was purchased by the seventh Duke in 1842, there was the possibility, seeing that Woburn had been made by Henry part of this great honour, that something might be found. Nothing of the kind. As far as the archives of the Dukes of Bedford are concerned, the documentary history of all this property is post-dissolution.

Returning, then, to the year 1538, the question arises, what did become of the abbey deeds? Did they disappear during those months when the proceedings against the abbot were being taken, or did they survive only to be lost or destroyed in the years which elapsed between the dissolution and the grant to Lord Russell?

Here we must distinguish between the possible fate of the account books and rentals and that of the papal bulls and the charters.

We know that certain of the accounts and rentals at least survived the catastrophe of May and June, 1538, for the bailiffs had them before them when they accounted the following Michaelmas. We do not know whether they were ever brought up to Westminster or not. The most careful search among the documents in the custody of the State which should have included the court rolls and territorial accounts belonging to the abbey, had they been brought up by the King's officials, has revealed no Woburn deeds other than those, such as the counterparts of indentures, which would in any case have been kept by the Crown.[1]

[1] The search has been made under Ampthill as well as under Woburn. Anct. Deeds, Ser. B, which include the monastic charters seized for the Crown, has no Woburn deeds other than indentures of which counterparts were kept by the Crown, e.g. B. 12, 349. The printed and typed calendars for this Series, and also for Series A, have yielded for Woburn only some agreements with the priory of St. Pancras occurring among a set of deeds belonging to the latter. Another Series of Exchequer deeds, W.S., has two fourteenth-century deeds referred to *infra*, p. 155, but these are documents relating to Exchequer business. The collections of "Ancient Charters" gathered into volumes among the Augmentation Office records have also been drawn blank. The Augmentation Office material has, in fact, been entirely exhausted, in particular a search

These have given us a few more details concerning local tenants of the abbey.[1] They have also supplied one entire seal of an abbot, that of William, whose surname is unknown, but who was abbot in 1357; it is a small seal, a good impression in red wax, Our Lady and the Child with a figure kneeling.[2] There is also the fragment of another seal whose date can be assigned to 1397 and was most probably that of William Manepeny, who had been elected in the year previous. The design, as far as can be seen, is Gothic; it is in red wax, apparently representing Our Lady enthroned.[3] No seal of the monastery itself has come to light and its pattern is still unknown. The only court rolls found are for the years 1542–7, when Woburn was being administered as part of the royal honour of Ampthill, and the single roll which includes these courts is one of a bundle of Ampthill rolls.[4] But we must remember that when Williams himself became Treasurer of the Court of Augmentations he complained that the monastic records were scattered over the country, nor was it until his time that systematic arrangements were made for their

having been made among the uncalendared bundles of Miscellanea, which include the early documents of other attainted abbeys, e.g. Charterhouse, but nothing has come to light for Woburn.

I am very much obliged to Miss Lilian Redstone for her invaluable assistance in this search, without which it could not have been such a thorough one.

[1] Anct. Deeds, A. 133; C. 1657; A. 5479.

[2] Anct. Deeds, W.S. 111 (Treasury of Receipt). Acquittance of W. Abbot of Wouburne for £10 received at the Receipt of Edward III, by the hands of the Chamberlains of the Exchequer, in which £10 the King was bound to the abbot under the Great Seal by a bond now cancelled for certain arduous business done by the abbot. Dated at Westminster, 14 Oct., 31 Edw. III. This W(—?) does not appear in the list of abbots cited in the *V.C.H.*, which gives (p. 370) Thomas de Thornton, elected in 1336, and then William Manepeny, who was elected in 1396.

[3] Anct. Deeds, W.S. 633. Letter by the Abbot of Wouburn to the King. On the 28th of March we have taken a Letter of Privy Seal from Thomas Wodyngfeld for our tenths. We are ready to do, with our poor estate, as others do. The date is deduced from W.S. 654, which is of 21 Ric. II and relates to a Privy Seal delivered to the Mayor of Hartlepool by Thomas Wodyngfield, sergeant-at-arms, and others.

[4] Court R. (General Series), 153, No. 51.

storage.[1] Moreover, even if they had been stored at Westminster, there were ways in which they might have disappeared. There were such persons as collectors, and they had a golden opportunity in particular when the Court of Augmentations was dissolved. There is a warrant of 1619 ordering that measures shall be taken, using one of the King's sergeants-at-arms if necessary, to recover from Ralph Starky "diverse leger books of diverse monasteries" and also court rolls, rentals, deeds, accounts and other writings which should have remained in the Court of Augmentations, but were embezzled out of the said Court upon the dissolution of the same.[2] Among the monastic records to which Starky helped himself were some of those for Dunstable and St. Albans. His spoils may very well have included something from Woburn.

It is, however, possible that the Woburn accounts were not taken into custody at Westminster at all. They may have been in the charge of, or have come into the hands of, Sir Francis Bryan, as high steward, or, more likely, may have remained with the bailiffs, Edward and Robert Staunton, in which case they may even have passed on to their descendants or successors, for it was the bailiffs who really bridged the period of transition between the

[1] E. 314/19 (bundle formerly K.R., Misc., 70/14b). Warrant, 16 August, 1 Edw. VI, to Sir John Williams, Knt., Treasurer of the Court of Augmentations, from the Chancellor and others of the Court to provide the necessary money for wages and wainscot for the bearer, Mighell Robert, joiner, who has been appointed to set up at Westminster certain presses, chests, boxes and other things for keeping of the King's evidences and records, "whiche now dispersedly remayne in sundrye places of the realme and shall forthwith be conveyed thether."

[2] E. 314, Bdle. 2, Folder "N" marked "Bills, Receipts." Copy of warrant to repair to [blank] Starky, gent. (with one of the King's sergeants-at-arms if need be), to take delivery of "diverse leger books of diverse monasteries, namely of St. Albans, Dunstable, Marton, Malmesbury and divers others" and also diverse court rolls, rentals, "counterpaynes" of abbots' deeds, records as well ministers' "as receivers' accounts, with other writings which ought to remain in the late Court of Augmentation and were embezzled and stolen out of the said Court upon the dissolution of the same." This is presumably a copy of the warrant for seizing papers in the house of Ralph Starky, 1619.

occupation of the abbot and the grant to Lord Russell. One guilty secret the Stauntons certainly had, for, following the custom of many other bailiffs, they had carefully concealed from the Crown their lease of a meadow which was called the Lord's Mead and was parcel of the lands and possessions of Woburn.[1] This meadow, which can be identified on an estate map of 1661, lay conveniently adjacent to their own house at Birchmore. It is quite possible that they concealed, or at least took, the abbey documents as well as a bit of the abbey lands.

The story of the foundation charters of the abbey and the papal bulls is a somewhat different one. We have the evidence of the abbot in his Declaration that, upon his command, the convent bursar had collected all the bulls and had handed them over to Dr. Petre.[2] Before so handing them over, he had taken the precaution of taking minutes of them. The statement, however, that all were handed over was not strictly correct, for Sir William Shirborne, the curate of the Lady Chapel at Woburn, only too eager to testify against his superior, perhaps with a view to saving his own skin, later deposed that he had found within his chapel bulls hidden which should have been delivered up to the Visitor.[3] The careful statement that it was bulls that were handed over seems to imply the exclusion of the charters. Here the abbot had taken his precautions also, for we know that the foundation charters both of Woburn and of its cell at Medmenham had been written out, again by his express command, in a "fair" hand and had been sent by him to the representative of the founder, John, fifteenth Earl of Oxford.[4] To

[1] Special Commissions (Exch. K.R.), E. 178; (Beds., Berks., and Bucks.) 2837. Commission to inquire as to concealed lands late of religious houses and the like. Returned 21 July, 16 Eliz. The jurors say that (*inter alia*) a meadow containing one acre called the Lordes Meade, late parcel of the lands and possessions of the Monastery of Wooburne in the county of Bedford, now in the tenure of Edmund Stanton, gentleman, has been concealed from the Crown unjustly since the time of Henry VIII.

[2] Declaration.

[3] Deposition of Sir William Shirborn.

[4] Declaration.

judge by the wording of the sentence, it was copies only of the charters that had been sent to the Earl. The abbot, it would seem, was intent upon preserving records of the foundation of his house so that confirmations could be obtained if it were, as he fondly hoped, reconstituted after surrender.

In spite, however, of these many precautions having been taken, neither the original bulls nor the minutes thereof, nor yet the charters nor the copies have been found.[1] The papal bulls, at least, whether those handed over to Dr. Petre or the remnants which Sir William Shirborne said were found in his chapel, should, one would have thought, be among the State papers. But none have been found, save a poor, truncated specimen which may possibly be one of them. The cover of the 1538 account is certainly cut from a papal bull.

As for the original charters which the abbot retained when the copies were sent to the Earl of Oxford, it is quite possible that they disappeared before the dissolution. It is well to remember that there was a fire at Woburn, indeed it is truer to say there were probably two fires, one deliberate and one accidental. The abbot himself said in his deposition that "many and divers objects brought out of his study and closet" were burned and he supposed that these "unwittingly" included the book on the papal authority copied from Milward's treatise.[2] This was confirmed by the monks who were examined, when they said that the abbot, in the time of his sickness, that is in the previous Lent, had burned some writings because they were thought to be dangerous.[3] But Dr. Petre's letter to Wriothesley, written on the 11th May, 1538, referred to a much more general fire when he complained that the abbey was very "simply storyd" for household stuff and especially hangings since it "was burnyd of late and moche of ther

[1] The best hope that the copies may be traced lies in the possible discovery of what became of the Earl of Oxford's documents.

[2] Declaration. [3] Examinations.

best plate and stuff lost & burnyd att thatt tyme." [1] There seems to be no obvious connection between the two fires, but one wonders whether the burning of the "divers objects" had possibly led to a more general fire. In any case, it is at least probable that the deeds and charters may, even if not deliberately destroyed by the abbot, have perished in the bigger fire.

Two of these original charters, we know, however, did escape, it may be from the fire, it may be from the hands of the bailiffs or the steward, or quite possibly from those of Ralph Starky or someone like him. They are the two fairly well-known Woburn charters among the Additional Charters. Both were purchased by the British Museum from collectors, but the past history of neither can be traced.[2] It is the existence of these two charters [3] which

[1] Wriothesley Papers, No. 21.

[2] Brit. Mus. Add. Charter 6026. Charter of Aubrey de Vere and Isabel de Bolbec, granting to the monks of St. Mary Woburn a tenement in Wavendon, Bucks., in exchange for land in Hildesdon, *temp.* John. Seal of Isabel de Bolbec; second seal wanting. On the back is a note that it was bought 23 March, 1844, from G. Baker, Esq. This would be the Northamptonshire antiquary. It does not belong to a Series, but seems to have been an isolated purchase, probably on account of the seal. The authorities of the British Museum have no information as to its past history. The bulk of Baker's Northamptonshire collections was purchased by Sir Thomas Phillipps before the date at which the British Museum bought this deed, but, as far as the index of the Phillipps collection extends, there is nothing more among it as to Woburn.

Brit. Mus. Add. Charter 19932. Confirmation by Simon, son of Hugh de Stanbridge, to the church and monks of Woburn of land at Hare, *tempo* Henry III. No seal. This charter is part of a collection acquired by the Museum from the monastic collections of the first Viscount Hatton. It appears also to have been a solitary specimen of its kind, and none of the volumes of the early Hatton correspondence throw any light upon it, or, indeed, upon the collection generally.

[3] A hopeful line of inquiry, not for the original deeds and charters, but for one of the seals of the monastery, proved to be as perverse as everything else that surrounds the past history of Woburn. It has been noted that part of the possessions of the monastery was the farm of the Goldsmiths Hall. It appears that in 1460, and again in 1505, the abbot and convent were involved in litigation with the Company (William Herbert, *Twelve Great Livery Companies of London*, ii, 185. "1460. Payed for counsell ayents ye abbot of Woburne iij^{s} iiij^{d}"; *ibid.*, 188, 30 Hen. VIII, 1505. Miscellaneous Law Charges. "To Thomas Pym,

leaves us with a faint hope that collectors, not the fire, were responsible for the disappearance of the deeds and that, if so, at least some others may be found in unexpected places.

for englishing the 'Videmus' and for seeing divers writings of the Cardinal's hat, and of the Abbot of Woburn. 6^s 0^d"). It was much hoped that among the archives of the Company a deed might be found bearing the monastic seal. The hope was a vain one. Sir Walter Prideaux was kind enough at the request of the Duke of Bedford, to make a search among the archives of his Company. Unhappily for the history of the abbey, he found that those archives contain no deeds relating to Woburn.

THE OFFICE OF THE ENGLISH RESIDENT AMBASSADOR: ITS EVOLUTION AS ILLUSTRATED BY THE CAREER OF SIR THOMAS SPINELLY, 1509–22

By Miss Betty Behrens

Read 9 *March*, 1933

"La Diplomatie," wrote a distinguished French author,[1] "est vieille comme le monde et ne périra qu'avec lui." There are no problems as to the origins of the ambassador as the word was originally understood;[2] that is, the accredited envoy of one ruler or state to another. Ambassadors in this sense, by whatever term they might be designated, have existed since the earliest times, the inevitable product of the necessity for communication between authorities prevented by the requirements of their office from personal intercourse.

The practice, however, by which rulers were represented at foreign courts continuously, instead of intermittently and as occasion demanded, is of comparatively recent date and by no means undisputed origin.[3] From the middle of the fifteenth century resident,[4] as distinct from special [5]

[1] Maulde-La Clavière, quoted by E. Nys, *Les Origines du Droit International*, p. 294.

[2] For origins of the word ambassador, *cf.* Maulde-La Clavière, *La Diplomatie au Temps de Machiavel*, I, 301 *et seq.*

[3] For theories as to the origins of the resident ambassador, *cf.* O. Krauske, *Die Entwickelung der ständigen Diplomatie vom fünfzehnten Jahrhundert bis zu den Beschlussen von 1815 und 1818*, Ch. I.

[4] The word 'resident' generally added to that of 'ambassador' or 'orator' was the usual title accorded to the diplomatic envoy who came "to reside" and not to execute a special mission. In the early sixteenth century it was not used in the sense it came to have later, i.e. an inferior member in the hierarchy of permanent envoys.

[5] The word 'special' is here used simply for convenience to distinguish this type of ambassador from the resident. In the early sixteenth century

ambassadors were to be found in various states. The distinction between the two is easy to draw in theory although not always so easy to observe in practice. The theory, as it was expressed in the sixteenth century [1] and has been accepted since,[2] is as follows: The special ambassador was sent out on a particular mission and came home when he had accomplished it, or when it had been proved incapable of accomplishment. The resident ambassador, on the other hand, as his title implies and his letter of credence explained, was sent "to reside." He had no particular mission to fulfil and remained in the court where he was accredited for an indeterminate period.[3]

The motives which induced governments to resort to the expensive practice of keeping resident ambassadors varied in detail but were in their essence the same. As the states of fifteenth-century Europe emerged from a condition of political chaos to one of comparative unity under

the ambassadors who were sent on special missions were given a variety of different titles. Those generally used by the English in their correspondence and in letters of credence were 'orator' and 'ambassador.' In powers the phraseology was as follows: "De fidelitate, prudentia, etc., x et y confidentes, eos nostros veros et indubitatos commissarios, oratores deputatos, procuratores et nuncios speciales facimus, constituimus, etc." (Rymer, *Foedera* (ed. 1712), vol. xiii, *passim*).

[1] Albericus Gentilis, *De Legationibus* (ed. of 1585), p. 8. "Legatos temporis, sive temporareos eos dico, qui ad non definitum certum negotium, sed ad tempus sive certum sive incertum ita mittuntur, ut dum in legatione degunt omnia tractent faciantque, quæ e re mittentis toto illo tempore esse contingant . . . sunt enim quos Residentes vulgari sermone nominare solemus."

[2] Maulde-La Clavière, *op. cit.*, p. 311.

[3] This is true of the ambassadors of most countries at the beginning of the sixteenth century, but not of the Venetian, whose period of office was limited in the fifteenth century to two years, and at the end of the sixteenth century to three (E. Nys, *op. cit.*, p. 297). The simplicity of the distinction between the resident and the special ambassador was belied by the practice of sending a man out on a special mission and keeping him on after the mission was concluded. Usually in such circumstances he was given a letter or message explaining that henceforth he was "to reside," but it sometimes happened that he would remain without either, and for no apparent reason (e.g., Sir Richard Wingfield in the Netherlands, August to October, 1514), or that he would be officially accredited as a resident ambassador, though he was intended to execute another specific or temporary mission. *Cf. infra.*

the rule of princes anxious to find personal glory in a career of acquisition at the expense of their neighbours, diplomacy assumed an importance which had hitherto inevitably been lacking; and the *sine qua non* of a successful diplomacy was extensive and, as far as possible, accurate information about the acts and intentions of other powers. The faithlessness of this age has become a byword. While men were discussing the terms of one treaty they were often simultaneously contemplating another and contradictory one.[1] It needed considerable vigilance to escape the position in which Henry VIII found himself in 1514 and 1517, when his allies came to terms with the enemy behind his back. A method had necessarily to be devised whereby governments might keep themselves aware at least of the possibility of secret and hostile combinations, and collect and co-ordinate for this purpose the gossip and rumours circulating in the courts of other countries.

The office of the resident ambassador was designed, partly at least, to meet this need. It is true that his letter of credence usually contained some such phrase as "negotia quæ de die in diem contingent accurate ex more tractet."[2] The relative importance of his purely diplomatic and of his informative functions naturally varied from time to time and in the course of years was substantially altered. But in the early sixteenth century the representation of a government's views on any important occasion was usually entrusted to people sent out *ad hoc*, as also were the conduct of negotiations and the signing of treaties.[3]

The result—a division of functions by which the resident ambassador collected the news and the special ambas-

[1] *Cf. infra* the behaviour of the Burgundian government in the spring of 1517.

[2] Cotton MS. Galba B. VI. f. 203*b* (*Letters and Papers of Henry VIII*, III. (1), 892).

[3] English ambassadors in Rome provide an exception. During the embassy of Giovanni de Giglis, 1513(?) to 1521, no special ambassadors were sent to Rome.

sadors did the negotiating—is particularly obvious throughout the history of English diplomatic procedure in the first years of the reign of Henry VIII. The resident ambassador stood to the special ambassadors in some respects much as to-day the civil servant stands to the cabinet minister. From his acquaintance with the court, with its etiquette and prejudices, with the relative influence and importance of its members, with the events in progress outside it which might affect its policy, the resident ambassador was in a position to instruct the special ambassadors, who came to their business with at best a more limited knowledge of these facts, and at worst a total ignorance of them. Yet he was invariably their inferior, and often little better than their servant. The despatches of the first decade of Henry VIII's reign are full of the complaints of resident ambassadors who found their faithful services overlooked and their ability disparaged by their exclusion from the special ambassadors' commission. "Thoose that see the kinges ambassadors go to the corte and I tarye beynde do nothing conyecte to the conservat[ion] or avansament of myn honor,"[1] is the constant refrain, but it fell for a long time on deaf ears. In such circumstances, the resident ambassador was apt, both in the eyes of his master and of the court where he was accredited, to be considered little better than a spy,[2] and various governments drew up regulations to protect themselves from his sinister activities.[3]

Yet this state of things, it is obvious, could not continue indefinitely. The earlier type of resident ambassador, men like Spinelly, Stile, and the Spaniard de Puebla,[4] were paid at a low rate, and considering the work they were required to do, their social status and humble way of life were advantages, enabling them to come by informa-

[1] Spinelly to [Wolsey]. Cotton MS. Galba B. IV. f. 101 (*L. & P.*, III (1), 2136).

[2] Krauske, *op. cit.*, pp. 12 *et seq.*

[3] *Ibid.*, pp. 19 *et seq.*

[4] *Cf. Spanish Calendar*, Henry VII, introduction to vol. i, *passim.*

tion that would have been hidden from the more exalted. On the other hand, as diplomatic relations grew in complexity, the special embassy proved itself an expensive and cumbersome machine, and the disadvantages of depending for information on a person of doubtful discretion, and of entrusting negotiations to men of inadequate experience, became increasingly apparent. Besides, the system of divided functions, as has been said, was acutely disliked by the resident ambassador, who set himself to oppose it by all the means at his disposal, and these were often less inconsiderable than might be supposed. The pressure, therefore, of diplomatic requirements from outside the system and of official discontent from within it, tended in the course of time to produce an alteration in the position of the resident ambassador by which the relative importance of his original functions was reversed. Though this evolution was far from being completely accomplished in one generation, its essential stages are nevertheless exemplified in the career of one man, Sir Thomas Spinelly, who, by a combination of persistence and good fortune, struggled through many vicissitudes to a most instructive success.

In England the practice of employing resident ambassadors began in the early years of the sixteenth century. Their precursors were the innumerable spies who served Henry VII to such good effect that the Milanese envoy in London, writing to his master in 1497, could say that Henry "is admirably well informed" and "above all thoroughly acquainted with the affairs of Italy and receives special information of every event. He is no less conversant with your personal attributes and those of your duchy than the King of France. . . . The merchants, most especially the Florentines, never cease giving the King of England advices. Besides this his Majesty has notable men in Rome, such as Master Giovanni (de Giglis), a Lucchese, and Master Adrian (Castellesi), Clerk of the Treasury, who have been benefited and enriched by him so that we

have told him nothing new." [1] There is no explicit evidence as to why Henry VII deviated from these methods of collecting news, but on *a priori* grounds it may be assumed that he was influenced by the practices of his neighbours and that the exigencies of expanding diplomatic relations moved him, as they moved other rulers, to rely upon private and exclusive sources of information, rather than upon what were virtually a variety of international news agencies.

The first two English Resident Ambassadors were John Stile, employed in Spain from 1505 to 1510 and from 1512 to 1517,[2] and Thomas Spinelly. Spinelly in preference to Stile has been chosen as the subject for this essay, not merely because his service was in the Netherlands and later at the Court of Charles V—the scenes of the greater part of England's diplomatic battles during the period—and his career has in consequence an interest necessarily absent from that of Stile, but because the relatively large number of his letters which have survived—over four hundred of them are calendared in the Letters and Papers for the reign of Henry VIII—makes it possible to show that his position, as has been said, evolved in a way symptomatic of the development of diplomatic procedure at the time. Even if this were also true of Stile, and in any case it can only have been true to a less extent, the evidence is too fragmentary to prove it with any conclusiveness.[3]

Spinelly's origins must, probably, remain a matter of conjecture. The first reference we have to him dates from 26 June, 1509. On that day he wrote to Henry VIII as follows: [4]

[1] *Venetian Calendar*, I. 751.

[2] Krauske, *op. cit.*, p. 96.

[3] It is, as a matter of fact, inaccurate to refer to Stile and Spinelly as resident ambassadors during the early part of their careers, for Stile was probably and Spinelly almost certainly not formally accredited. The inaccuracy, however, seems pardonable, at any rate in Spinelly's case, seeing that he was later appointed as a resident ambassador and his functions after that date scarcely differed to begin with from what they had been before.

[4] *State Papers*, Henry VIII, VI. 19 *et seq.*

Plaise Vous savoir, Sire, que jay receu les lettres que de Vostre Grace Vous a pleu menvoyer, contenans que Vostre Mageste a este adverty du service, que me suys par ci devant par force de faire a feu de tres digne memoire le Roy Vostre Pere, que Dieu vueille pardonner, mavertissant que icelle Vostre Mageste aura aggreable que je persevere et continue ensemble pardevers Vous. . . . Sire, je Vous supplye de vouloir par voz lettres signiffier a Madame [1] que me tenez pour Vostre serviteur, et que mavez donne charge de Vous escripre et advertir des nouvelles qui surviendraient, a fin que je Vous puisse sans reproche bien et leaument servir comme je desire le faire.

Although in this letter Spinelly makes it clear that he was in English service during the reign of Henry VII, it unfortunately appears that there is no trace of him during this period. All that can be said with certainty of his origins is that he was a Florentine,[2] and that he had connections with various of his fellow citizens engaged in trade and banking. Very probably he was a member of the Florentine merchant family which transacted the papacy's financial business in central Europe.[3] He was a nephew of Philip Gualterotti, head of one of the largest banking houses in the Low Countries, with establishments in Bruges and Antwerp and an important English connection,[4] he had a brother who was chamberlain to the Pope,[5] and another brother in Lyon [6] who cannot, however, be identified with certainty as the Florentine Lorenzo Spinelly who

[1] Margaret of Savoy, regent for the Archduke Charles in the Low Countries.

[2] The Florentine Spinellys are not to be confused with the Spinellys (also spelt Spinula, Spynella, Spinolle, etc., from Genoa, several of whom did business in England and the Low Countries at this time). *Cf. L. P.*, Vols. I., II., III., *passim.*

[3] *Cf.* Secret Archives of the Vatican, Reg. Brev. Arm., XXXIX. T. 8, f. 9*b*, 25 July, 1462, order to Nicodemus de Spinellis to hand over to the apostolic chamber, through the hands of his cousin, Thomas de Spinellis, the papal dues collected in Germany, Hungary, Bohemia, Poland "aliasque partium illarum provincias."

[4] Ehrenberg, *Das Zeitalter der Fugger*, I. 278.

[5] This was Leonard Spinelly who brought the sword and cap to Henry in 1514 (*L. & P.*, I. (2), 2664, 2929, etc.).

[6] *L. & P.*, I. (2), 3444.

was head of the Medici bank there ; in addition he appears to have had a great number of anonymous merchant friends in all parts of Europe and particularly in Bruges. If Spinelly himself was ever in commerce there seems to be no proof of it. One of his official associates, Tunstal, said in 1516 that he did not carry on any private business,[1] and this would appear to be true of all his known career. Though the incentive to serve the English Crown with the assiduity which he displayed seems meagre in the extreme, there is no evidence that he tried to procure money or promotion by other means. Not surprisingly, however, the English government frequently suspected him of so doing.

When Spinelly's career first becomes a matter of historical knowledge, that is to say at the beginning of the reign of Henry VIII, his official position is obscure. At this time and for several years to come he was never referred to or addressed by the title of ambassador[2] or by any of its equivalents, but by some ambiguous word such as "servant"[3] or "agent"[4] to which no precise meaning can be attached. Now though it is true that terminology was in many respects vague at this time, and that accredited agents might be described by a variety of different titles, that of "nuncius" or "legatus", or, more particularly, of "orator"

[1] Cotton MS. Galba B., IV. f. 77*b* (*L. & P.*, II. (1), 2207).

[2] There is one exception. In a letter from Henry VIII to Margaret of Savoy, 18 October, 1510, quoted by Le Glay, *Anelectes Historiques*, p. 182 (*L. & P.*, I. (1), 594), the following words occur : "Il la remercie du bon accueil qu'elle a fait à Thomas Spinelli son ambassadeur," but as this document is clearly a summary, and Le Glay gives no reference to the original manuscript, it is not possible to assert definitely that Henry did use the word 'ambassadeur.' Even if he did, however (and it is not unlikely, for English terminology was less precise than continental), we have Spinelly's own word that there was a time when "I hade not the name of Ambassador" (Cotton MS. Vesp. C. 1, f. 197. *L. & P.*, III. (1), 440).

[3] *Cf.* Henry VIII to Margaret, 24 November, 1510. "Et. comme nous entendons par ce que nostre serviteur Thomas Spinolle," etc., P.R.O. Trans., 3/1 (*L. & P.*, I. (2), app. 12).

[4] *Cf.* Louis Maroton to Spinelly, 19 January, 1513. "[Thomae] Spynelly pro . . . Regis Angliæ apud ILL^am^ D. agenti" (*L. & P.*, I. (1), 1555).

or "ambassador," was almost always one of them,[1] and some distinction, on the Continent at any rate, was clearly recognised between the accredited representative and other classes of persons who performed diplomatic or semi-diplomatic duties. In this respect terminology was precise. A man was only called an ambassador when he had publicly established his position in accordance with a recognised formula.[2] But there is no evidence that Spinelly was ever formally accredited before 1514, and it would therefore seem that his contemporaries, when they referred to him in the inexplicit way described, were not availing themselves of the prevailing laxity of expression, but were emphasising a real difference between him and ambassadors whose functions were often identical with his. For in spite of his indeterminate status he resided permanently at the court, was paid a regular salary,[3] and performed many duties which were purely diplomatic, besides others which were not, but which nevertheless in the sixteenth century would not have been outside the competence of an ambassador.

The reason for Spinelly's presence in the Netherlands

[1] Maulde-La Clavière, *op. cit.*, pp. 295–8.

[2] *Ibid.*, II. 106. "Un agent diplomatique peut se passer de pouvoir . . . et arriver *avec avec* une simple commission, comme par exemple les residents ; mais à défaut de pouvoir personne n'est admis comme agent diplomatique sans créance."

[3] Between 1509 and 1517 Spinelly was paid in theory £100 a year salary and given an additional £50 a year in "reward." (*Cf.* Cotton MSS. Galba B. III. f. 123*b* and B. IV. ff. 102–102*b* ; *L. & P.*, I. (2), 1895, and II. (1), 2081 ; also the King's Book of Payments, 1–9 Henry VIII, P.R.O. E. 36/215, *passim.*) After he was accredited as an ambassador in 1517 he was paid £300 a year, and this was increased in 1519 to 20*s.* a day (King's Book of Payments, 9–12 Henry VIII, P.R.O. E. 36–216, *passim*), the minimum wage received by any ambassador, himself and Stile excepted, during the period under discussion. The money paid to him is entered in the King's Book of Payments, often without any description of its purpose, so that it is sometimes impossible to distinguish between his salary and the sums he received for postage, spies, etc. However, his more violent complaints that his salary was in arrears were generally answered with promptitude, and a survey of all payments made him gives the impression that, though he was not paid at regular intervals, the totals for each year must have been approximately correct.

is nowhere explicitly stated but must remain a matter for inference. The first evidence we have of his activities is in 1510, when he was being employed to provide the English army with guns.[1] But his duties in this connection were not permanent; they ended automatically with the war that made them necessary, and no conclusion as to his position can be deduced from them; for in the first place he was in the Netherlands before there was any question of war, and, in the second, the provision of guns and other charges committed to him at this time were not of a nature to require the presence of a special agent. They could perfectly well have been put into the hands of ambassadors present for other purposes, and this is, in fact, what did happen in 1513.

All Spinelly's non-diplomatic duties were of this fortuitous nature, and so, equally, in his early days, were his diplomatic ones. Between 1512 and 1514 he frequently referred to "charges" committed to him by the English government for negotiation with Margaret of Savoy, and to messages given him by Margaret for transmission to England. It was obviously convenient to make use of Spinelly's services to promote Henry's interests at the Burgundian court, and to further friendly relations between the two countries, but had he been employed expressly for this purpose he would clearly have been properly accredited, as he was at the end of his life. Moreover, a glance at the number of special ambassadors who between 1512 and 1517 were sent to the Netherlands in almost continuous succession, and with whom he was usually not in commission, will show what little scope he had to serve the government in a purely diplomatic capacity.

One therefore looks elsewhere for an explanation of Spinelly's presence, and an illuminating piece of evidence is provided by the first extant letter sent to him by the English government. After the problems connected with the guns have been disposed of, the letter proceeds: "Finally

[1] *Cf.* Cotton MS. Galba B. III. f. 5 (*L. & P.*, I. (1), 325).

for your substanciall certificat made unto us of dyverse and many newys concernyng as well the comyng to us of thesquier Bonet as also of . . . other out of Fraunce and Italie, we give unto you our full good thankes . . . semblably to contynewe hereafter. And we shall in suche wyse remember your services and diligence as ye shall think the same ryght well employed." This, read in connection with Spinelly's own letter quoted above, leaves little doubt that his essential function was to collect news. Certainly to his own mind throughout his life it was the principal purpose of his official existence.

His birth and his connections made him exceptionally suitable for the task. His countrymen were the most accomplished diplomats of the age; his relations were connected with the chief news centres of Europe—the Roman Curia and the great markets of the time, Antwerp, Bruges and Lyon. The facilities possessed by merchants and bankers for obtaining news have been discussed by other writers in such detail that there is no need to dwell upon them here. It will be sufficient to say that men such as the Welzers and the Fuggers often had earlier and more accurate knowledge of events of political importance than the governments most vitally concerned.[1] The value of an agent who had access to this mine of information scarcely needs emphasis. Spinelly, moreover, by some means or other had formed an acquaintance with a set of people who in this connection were almost equally desirable. This was the family of Taxis or Tassis, the various members of which, with the help of the governments concerned, ran a postal service over the greater part of northern and central Europe.[2] For a person in search of likely sources of news it would have been difficult to find more appropriate friends than these men of enterprise and intelligence, the confidants of kings who required them to deliver personally

[1] F. Ohmann, *Die Anfänge des Postwesens und die Taxis*, pp. 273 *et seq.*; Ehrenberg, *op. cit.*, II. p. 171.

[2] Ohmann, *op. cit.*, *passim*.

and by word of mouth messages of peculiar delicacy and importance.[1]

Spinelly's news connection had, in fact, infinite ramifications. The methods by which he built it up are hidden in the obscurity of his early life; no doubt he was taken into Henry VII's service because of its existence or at any rate because of its potentialities. By 1512, the first year for which his letters exist in any number, it was in good working order. It is, unfortunately, impossible to describe it with any great precision. Spinelly was necessarily often prevented from mentioning the source from which he derived a particular piece of news. He says that he is "informed," that he hears from a "credible man in secret manner," that a "particular friend" of his tells him.[2] In such circumstances the fear of killing the goose that laid the golden eggs was inevitably present to the minds of all agents. It is clear, however, that Spinelly learned a great deal of what he knew from the leading people of the court. By this it is not meant that his knowledge was merely derived from information such as was regularly handed out to ambassadors when they had formal audiences, though much of it was of this nature. Spinelly, as has been said, frequently had official dealings with the regent Margaret and later with Chièvres and Sauvage. On such occasions, as was the practice, they told him what they thought convenient of the political situation, and these communications might obviously be of considerable value to the English government, for the court in the Low Countries, intimately connected as it was with the rest of the Hapsburg dominions,[3] could provide first-hand information on events taking place over the greater part of Europe. At the same

[1] In his first letter to Henry VIII (St. P. 21), Spinelly refers to "le neveu du Maistre des Postes, mon grant amy." A very large amount of his information was derived from the various members of the Taxis family, its friends and servants.

[2] *Cf.* particularly Cotton MS. Galba B. III. f. 313 (*L. & P.*, II. (1), 70).

[3] *Cf.* A. Walther, *Die burgundischen Zentralbehörden*, pp. 90 *et seq.*

time, as regards all questions affecting Burgundian relations with England, what the Burgundian government itself announced was of extremely limited use.

Spinelly, however, was acquainted in various degrees of intimacy with members of all the three classes who formed the Burgundian council—the nobles, the lawyers and the secretaries ;[1] and of these people, when he met them at dinner, at supper, and on other informal occasions, he made discreet inquiries about the topics of current interest. He was, for example, on terms of considerable intimacy with Jean, Seigneur de Berghes, head of one of the most powerful houses in the Low Countries and a member of the council which Maximilian had ordained in 1507 to be in perpetual attendance on Margaret ;[2] he says that Gattinara, head of Margaret's privy council and afterwards chancellor to Charles V,[3] was "of his old aquentance," and he had some relationship, the precise nature of which is not apparent, with the ubiquitous Louis Maroton, "the model," as he has been described, "of an intriguing agent."[4] To his collection of informants of this type—and before Chièvres *coup d'état* of 1515 there was, to judge at least by his own accounts, no person of distinction with whom he had not some acquaintance—he added a crowd of lesser fry—servants, private secretaries and paid spies[5] whom he

[1] A. Walther, *Die Anfänge Karls V*, p. 66.

[2] *Ibid.*, *op. cit.*, p. 73. [3] *Ibid.*, p. 74.

[4] *Ibid.*, p. 170. Louis Maroton is first heard of as secretary to Berghes. In 1509 he was made secretary to the Burgundian government. He was a strong partisan of the English alliance, and conducted, *inter alia*, the negotiations by which Maximilian was induced to abandon the League of Cambrai. In 1513 he was given a sum of money "wegen achtmonatlichen Hin-und Herreisens zwischen Margarete und dem Kaiser, insbesondere in Sachen des englischen Bündniss." For some time after this he resided at the imperial court and was completely in Maximilian's confidence.

[5] During most of the time Spinelly was in the Netherlands there are references to a "compagnon" in France, for whom he was responsible. He also employed a number of people to keep a watch upon Richard de Pole (brother of the Earl of Suffolk executed in 1506), who lived in exile in France, a pensioner of the French King, and a potential rallying-point for English disaffection. An illustration of the methods pursued by Spinelly's agents of this type is provided by the following : "The two

posted at spots of vantage. Naturally he had no occasion to explain how he manipulated this elaborate system, but certainly the King's money must have been a potent factor. From time to time he suggested that Henry should reward certain people, "for gret payne and labour in the advauncement of your maters," [1] and it would seem that his advice was taken. On no other grounds can one account for the fact that he frequently procured copies of official letters which he transmitted to England.[2]

Even bribery, however, does not explain how Spinelly, a person of no social distinction and of doubtful official status, managed to insinuate himself into the confidence of the great. The answer must presumably be that he had one supreme recommendation. He was, as all his English associates testified, admirably well informed, and information in those days begot information. An ambassador in search of news had first to show that he had something to give in return,[3] and Spinelly, with his merchant and Italian friends, had a special source of knowledge. From his letters it is clear that by volunteering how Philip Gualterotti told him this and that about affairs in Scotland, how Simon de Taxis wrote so and so from Verona, how his brother

brothers Hobertys of Syryksee have been here, and in devysing with theym amongs other thinges, they have offered me, yf it pleasith unto your Grace, to sennde into Scottland a barke of xl^{tl} tonnys ladyn with oygnonys and aplys, and with the same sum wise felawe that shal se and inquyre of their bessynes and doynges there" (Spinelly to Henry VIII, 3 March, 1514. Cotton MS. Galba B. III. f. 122 (*L. & P.*, I. (2), 1895).

[1] Spinelly to Henry VIII à propos of Louis Maroton, 18 May, 1513. Cotton MS. Galba B. III. f. 122 (*L. & P.*, I. (2), 1895).

[2] *Cf.* Cotton MS. Galba B. III. ff. 11, 124, 127*b*, 181, etc. (*L. & P.*, I. (1), 1309; I. (2), 2014, 2022, 2694).

[3] *Cf. Œuvres Complètes de Macchiavelli*, trans. J. A. C. Buchon. Instructions données par Màcchiavelli à Raphael Girolami, ambassadeur du Roi d'Espagne auprès de l'Empereur: "pour tirer quelquechose d'un homme il faut quelquefois l'encourager par des confidences auxquelles il attache du prix. En un mot rien n'est plus propre à faire parler les autres que de parler soi-même. Mais pour cela un ambassadeur doit être informé de tout ce qui se passe, et dans sa cour et ailleurs. Vous ne devez rien ignorer de ce qui se passe à Bologne, à Sienne, à Perouse et encore moins de ce que fait le Pape et le Roi. De cette manière vous provoquerez sans vous compromettre des confidences utiles."

the Pope's Chamberlain said that such and such was reported from Rome, he stimulated his acquaintances to make in their turn revelations to him.

In February, 1514, Spinelly made his first appearance as a properly accredited ambassador. In that month Sir Richard Wingfield and William Knight were sent to the Burgundian court to arrange the details of the marriage between Henry's sister Mary and the Archduke Charles,[1] and Spinelly was included in their commission; that is, he was mentioned in their credence as joint ambassador with them,[2] he was present at their audiences, and appended his name to their despatches. The distinction was one to which he attained again in the following year, but at no subsequent date before 1517, when he was formally accredited as resident ambassador.[3] The years between 1514 and 1517 may be considered as the formative period of his official life and will accordingly be dealt with in some detail. Before 1514 he was clearly not an ambassador, and was not addressed as such; after 1517 his status was indisputable, though the degree of consideration to which he was entitled from the English government still for some time remained in doubt; from 1514 to 1517 was fought out, never, of course, in the open, and often with no clear realisation of the issues, the battle which decided the problem of his status in his favour.

The motives which actuated the government in its relations with him, and which are particularly apparent during this period, appear to have been two. It was anxious to procure the maximum of information from him and to bestow upon him the minimum of confidence; for the very factors which made him invaluable as an informant —his foreign origin and his continuous residence in the Netherlands—made, equally, his honesty a matter of doubt. Spinelly's facilities for acquiring news, however, were clearly restricted whenever it became apparent that he was neglected

[1] *L. & P.*, I. (2), 2656. [2] *Ibid.*, 2655.
[3] *Cf. infra*, p. 184.

or an object of suspicion at home, and the government was therefore faced, as it conceived, with the alternatives of drying up its news supply or of exposing its intentions to betrayal. It usually decided the problem by a compromise, or by selecting the former alternative, with results, as will be shown, which were extremely galling to Spinelly's pride and of doubtful value to English interests. Spinelly, meanwhile, accustomed, one may suppose, to the more precise and stereotyped methods in vogue in his own country, directed his energies towards procuring for himself a position at once less nebulous and more consistent, as he was always saying, with his honour.

This state of affairs was responsible for a curious situation in the Netherlands. Between 1514 and 1517 it is extremely difficult to say whether Spinelly should be called an ambassador or not. Certainly in all the extant letters to him during this period, which bear an address, he is so described,[1] but there is no reason to suppose that after Knight and Wingfield left he was given an additional credence such as he would have had if the government had intended henceforth to employ him formally as a resident ambassador. Moreover, he himself from time to time complained that neither he nor anyone else knew precisely what his status was,[2] and clearly if he had been properly accredited this could not have been so. One is therefore led to suppose that his correspondents, no doubt perplexed by the situation, called him an ambassador because he had once been one, and because, when technically he ceased to be one, there was no noticeable change in his functions.

Curiously enough, the period when he began to be regularly addressed as ambassador coincides, after the departure of Knight and Wingfield, with a change in his standing at court by which he became a figure of decreasing

[1] *Cf. L. & P.*, I. (2), 3455; II. (1), 1005, 1424, 2059; II. (2), 3111, 3130, 4245.

[2] *Cf. infra.*

dignity. This, it is true, was due to a number of fortuitous occurrences. On 6 January, 1515, a faction of the Burgundian Council in league with the Emperor Maximilian pronounced the Archduke Charles to be of age; the Archduchess Margaret was compelled to give up the regency, and the power fell into the hands of William de Croy, Sieur de Chièvres, chamberlain and tutor to Charles,[1] and of Jean le Sauvage, appointed chancellor on January 17.[2] Now Spinelly was the advocate throughout his life of a violently anti-French policy, and his friends at court were the Archduchess and the English party—Berghes, Isilstein, Fiennes and others.[3] But the policy of Chièvres and Sauvage was directed towards peace with France, and they therefore looked askance at Spinelly, speaking of him, he said, with "oultracuydantz et deshonnetes parolles."[4] Added to this, England was now at peace with France, and Francis I's intentions of conquering Milan had not as yet become a source of alarm. The last months of 1514 and the first of 1515 were, therefore, from the English point of view, a period of diplomatic stagnation, and Spinelly's services were in consequence less necessary than usual.

These circumstances combined to make his position peculiarly uncomfortable. He was under the necessity, to a large extent, of building his news connection up afresh, the English government neglected him, and the Burgundian government not only disliked him, but cast, very naturally, aspersions upon his status.

As for me [he wrote on 6 February, 1516], not having lettres or charge from Your Grace to the prince I go not to hym . . . many abought hym . . . seye here they knowe not whethir I am your ambassador or servaunt. And as for me, in whatsoever manner I do service unto Your Grace I am pleasyd, howbeit ther is a common proverbe that the servaunts been of othyrs extemyd as moch as their master wol hym sylf. I loke with

[1] A Walther, *Die Anfänge Karls V*, pp. 87, 133.
[2] *Ibid.*, p. 135.
[3] *Ibid.*, pp. 138–9.
[4] Cotton MS. Galba B. III. f. 191 (*L. & P.*, I. (2), 3245).

a gret desyre to here from Your Grace under what manner I shal contenu here.[1]

Yet when Francis I's successes in Italy induced Wolsey to seek an alliance with the Low Countries the effect on Spinelly's position was not an improvement but the reverse, for Wolsey, to further his object, began to appoint properly accredited resident ambassadors at the Burgundian court. Tunstal, Knight and Sir Richard Wingfield with two intervals occupied this position in turn until Charles left for Spain in 1517.

It may well be asked how Spinelly stood in a court where the English had either a resident ambassador or special ambassadors or both, and he came into neither category; nor was the question one which he or anyone else found it easy to answer. He was clearly still the principal source of information for all affairs not immediately concerned with the matters in process of negotiation; he told his colleagues, he said, of such events bearing on their charges as he thought they ought to know,[2] but the situation satisfied no one. In September, 1516, Tunstal, who considered that the English were playing a losing game with Chièvres and Maximilian, who resented his exile in the Netherlands, and was "febly fornyshyd of money," asked leave to come home. He saw no reason, he said, why he should

Tary here oonly to assertayne the Kinges grace off newys and . . . spend the Kinges money in vayn, seinge master Spinel always resident, which for his gret and longe aquantaunce in the[se parts] and also by his grete diligence shal come by moo newys in oon da[y than] I can do in a weke.[3]

There is every reason to suppose that it would have been better if Tunstal's advice had been accepted, for in

[1] Cotton MS. Galba B. III. f. 322 (*L. & P.*, II. (1), 124).

[2] *Cf.* Spinelly to Wolsey, 22 June, 1516. "The newes comyng dayli to my knowledge I do shewe to the kinges ambassadors" (Cotton MS. Galba B. IV. f. 58; *L. & P.*, II. (1), 2075).

[3] Cotton MS. Galba B. IV. f. 177 (*L. & P.*, II. (1), 2331).

the diplomatic crisis which arose at the end of the year Tunstal was led into a number of stupidities, partly, perhaps, from an over-cautious temperament, but mainly from lack of adequate information, such as Spinelly, in ordinary circumstances, would have been able to supply.

Spinelly, however, had at this period fallen into serious disgrace in England. The precise cause of this is not apparent. For some time his letters had been full of complaints of his treatment, and in June, 1516, Tunstal's and Wingfield's embassy became the occasion for an outburst.

> I beseche Your Grace [he wrote to Wolsey] to have recomanded myn honnor, signyfieng unto the same that here to fore thow that I was not in commyss[ion] with the Kinges ambassadors, yet theyr lettres unto the King made allweys soom mencion of me, and when Master Ponynges hade grette charges, he kallyd me contynually to theyr comunycacions; but now I here nothing spokynne of me as I were not in the world.[1]

With considerable astuteness he set himself to enlist Tunstal's support, and there are two letters from Tunstal extant[2] in which he intercedes with Wolsey on Spinelly's behalf, saying, *inter alia*, that he "lyeth her contynually and foloyth the curte to his gret charge, and in al the Kynges affaires is mervelously dilygente." But Wolsey remained unimpressed, and Spinelly, in consequence, would seem to have renewed with increasing fervour his demands on Tunstal. Tunstal was in some perplexity.

> Master Spinel [he wrote to Wolsey on 26 October] hath offt instauncyd me to write to Your Grace that he myght go with me to the counsel when I go for the Kinges affaires thedyr, seeing therby he shuld be in the mor reputation her, and therby mor able to doo the Kinge bettyr service; which thyng yet for ii causes I have forborn to do. The oon is because I have no

[1] Cotton MS. Galba B. IV. f. 73 (*L. & P.*, II. (1), 1994).

[2] Cotton MSS. Galba B. IV. f. 287, and B. VI. f. 77*b* (*L. & P.*, II. (1), 2080 and 2207).

such commission to make him privey to such maters, the second is because I wote not whedyr the governors,[1] which in tyme past have not favoryd hym, wold rather not have hym ther. Wherin I beseche Your Grace to knowe the Kinges pleasur and to send me word what I shall do therin.[2]

Wolsey's answer is to be inferred from a letter which he wrote to Tunstal at the end of the following December. On that occasion he was emphatic. Tunstal was on no account to make Spinelly privy to his "secrete maters." The reason, however, is surprising. "It is thought," Wolsey wrote, "that he hath intelligence with Monsieur de Chivers and the Chauncelor, and by him partelie it is bruted that Themperor hath concluded the said peax." [3]

The situation needs some explanation. The English, by an informal agreement of the previous October, were engaged to pay subsidies to Maximilian for the defence of Verona, which was being besieged by the Venetians in alliance with France, and Maximilian in return was to come to the Netherlands at Christmas, and depose Chièvres and Sauvage.[4] There was always, however, considerable doubt as to whether Maximilian would fulfil his obligations, and in actual fact on 3 December the Archduke Charles signed at Brussels in his name a treaty of alliance with France which pledged him, amongst other points, to abandon Verona.[5] On 6 December Chièvres announced to Tunstal that an agreement had been arrived at through Charles's mediation, between Maximilian and the French,[6] but Tunstal had no knowledge of its nature nor whether it had received Maximilian's consent, and Wolsey, from such information as reached him, was led to suppose that it was an invention of Chièvres and Sauvage, spread abroad, among

[1] Chièvres and Sauvage.

[2] S.P., I/14, f. 57 (*L. & P.*, II. (1), 2484).

[3] Cotton MS. Galba B. VI. f. 111 (*L. & P.*, II. (1), 2700). The treaty referred to is that of Brussels. *Cf. infra.*

[4] *L. & P.*, II. (1), 2463 and 2508.

[5] A. Schneller, *Der Brüssler Friede von 1516*, p. 49.

[6] *L. & P.*, II. (1), 2640.

others, by Spinelly, in order to put a stop to the English subsidies.

Maximilian, meanwhile, was in Hagenau, on his way to the Netherlands, by no means decided as to what policy he would pursue. A copy of the Treaty of Brussels was sent to him on 6 December, and for some time he meditated whether or not he should ratify it.[1] But he had, in reality, no option. The Tirol diet had refused him the money on which he had counted, and his allies the Swiss had deserted him. To continue the war in such circumstances was out of the question ; some time, therefore, between 13 and 16 December he ratified the treaty, and on 14 December Verona was given up.[2] Although these matters were common knowledge in the courts of the countries concerned,[3] Wolsey, in the letter referred to, instructed Tunstal to make investigations. If Maximilian had not signed the treaty he was to have the first instalment of the subsidy ; if he had signed it, the payments were to be withheld. After much hesitation Tunstal decided in favour of paying, and on 26 December Maximilian received 10,000 florins in order that he might take action against the francophile Chièvres, by whose agency he had, in fact, a fortnight before, concluded a treaty with France.[4]

To add to the absurdity of the situation, elaborate precautions were being taken to hide these proceedings from Spinelly, the one person, who, in propitious circumstances, would have been capable of exposing their futility. The secret matters to which Wolsey had referred were the payments to Maximilian, for which the money was brought over from England and deposited at Tunstal's house. The difficulties of keeping Spinelly in ignorance were considerable, for he lodged next door to Tunstal, and his servants, Tunstal complained, were always about. Tunstal, however, believed that he had been successful, for on the first occasion

[1] Schneller, *op. cit.*, pp. 53 *et seq.* [2] *Ibid.*
[3] *Venetian Calendar*, II. 828.
[4] Tunstal to Wolsey, *L. & P.*, II. (1), 2702.

when the money had arrived Spinelly had fortunately been away, and on the second [1] Tunstal had secured his company on a sporting expedition to Malines.[2]

Spinelly had left with Tunstall for Malines apparently without demur, but no doubt he had his suspicions, for he was an acute person, and, through his merchant friends, admirably well informed on financial matters. Some time before the end of January he had discovered all about the subsidies ; [3] he also discovered the reason for which the subsidies were being paid and revenged himself spectacularly on the government for trying to keep him in ignorance.

I receyved the xiij day of this month [wrote Knight [4] to Wolsey, on February 16], from the master of the Rollys then being at Mechlyne, two lettres for themperour, oon from the kinges grace and thother from your lordship, and dyd send the sayd lettres unto themprour then being in this town. . . . The next day following Sir Thomas Spynelly dyd com unto me and axid whether Richemount had delyvred any lettre that day unto themperour from the king. I awnswerid nay, and when he persisted styll upon the said demaunde, and I perceyved that he had somthing in his mynde that he was disposed to uttre, I sayde that the day before Richemount delyverd a lettre unto themperour. He then sayde that he was so enformed, and moreover that the contentes of theym concernyd the removing of thiese governours owte of auctorite, and that imediately upon the sight, themperor shewid the same unto Monsieur de Chiever and chaunceler, wherewith thei be mervelousli moved. The lettres might be of date VII and VI of this moneth. And if thei dyd conteigne any suche thing it is to be thought, and that undowtidly, that the governours knoweth all, for thei have now the kaiys of all, and every man for avauntage studieth how to doo theym pleasure and service. And if thei conteigne no suche thinge, then peraventure he was suborned to know of me whether any like thing were in practice or noo.[5]

[1] Tunstal received another 10,000 florins at the beginning of January (Cotton MS. Galba B. V. f. 21 ; *L. & P.*, II. (2), 2766), but these were never paid to Maximilian. [2] *Ibid.*

[3] Cotton MS. Galba B. VI. f. 130 (*L. & P.*, II. (2), 2849).

[4] Knight has succeeded Tunstal as resident ambassador in January.

[5] Cotton MS. Galba B. V. f. 99*b* (*L. & P.*, II. (2), 2930).

The letters to which Knight referred are no longer extant, but it is clear that the English government was still at this time clinging to the idea that Maximilian could be induced to depose Chièvres and Sauvage,[1] and one may therefore conclude that Spinelly had spoken the truth. The events which followed certainly go to prove that, in this affair at least, the theory that he had been "suborned" was not accepted in England.

Meanwhile with an admirable pertinacity Spinelly continued in his attempts to impress the government that he was loyal, efficient, and deserving of better treatment than he received. After the attempts to coerce Charles by means of Maximilian had to be abandoned, English efforts were directed to attaining the desired ends by means of negotiation with Chièvres and Sauvage in person. The immediate object of English policy at this time was to procure Charles's ratification of the defensive league which his plenipotentiaries, together with those of Henry and Maximilian, had signed on 29 October, 1516. After six months of bargaining this result was finally achieved on 11 May, 1517.[2] Spinelly's activities during the preceding negotiations are obscure. Comparatively few letters from him at this time are in existence, and those that are deal mainly with irrelevant matters; but from the conclusion of the episode it is to be inferred that he had been pursuing his thankless task with his usual indefatigableness. His account of his performances during the days immediately preceding the ratification are illuminating. When, he wrote to Henry VIII on 12 May, he had learned that Charles, at Maximilian's instance, was proposing to put off giving his oath, he had gone to Chièvres and Sauvage, and, reminding them

[1] *Cf.* Letter from Worcester and Tunstal, 29 January, 1517 (*L. & P.*, II. (2), 2847). Worcester, afterwards joined by Tunstal, was sent to Maximilian to urge on him the necessity of deposing Chièvres and Sauvage (*L. & P.*, II. (1), 2713). Later he and Tunstal were employed to negotiate with Chièvres and Sauvage for the confirmation of the treaty of October, 1516 (*L. & P.*, II. (2), 3191).

[2] *L. & P.*, II. (2), 3223.

of their assurances that they desired the ratification above all things, with a number of compelling arguments had pointed out the disasters that would follow if there were any further delay. Chièvres and Sauvage, it appeared, could not resist his logic, and so, he concludes triumphantly, when Worcester and Tunstal, the English plenipotentiaries, "thought non othere but to be driven to Meklynnes and follow themperor, by myn own intercession and pourswete, as they knowe theymsylfes, the besynesse towketh his fynall conclusion. Wherof I do advertysse Your Grace rathere for to shewe that I have done my dutye, then for any glory, humbly beseching the same so to take it." [1]

This account may or may not have represented the situation exactly. Certainly Worcester and Tunstal in recounting the preliminaries to the ratification made no mention of Spinelly at all.[2] But whatever the truth of the matter, Spinelly had clearly by this time contrived to re-establish himself at the Burgundian court, and he records with satisfaction that "it is notory unto every mann I am ryght welcum unto the King and all his consayll, and dayli desyred at disner or soupper with the principaulx of them whoose [*sic*] plenly make me partycypant of theyr newes, good or yle." [3]

Elated with his successes he went to England without leave (and against the judgment of Tunstal who advised him to the contrary) and there, no doubt, he made a good case for himself, for when he came back he brought with him a letter of credence appointing him resident ambassador to Charles in Spain.[4]

[1] Cotton MS. Galba B. V. f. 242 (*L. & P.*, II. (2), 3236).

[2] Tunstal and Worcester to Henry VIII, 12 May, 1517. Cotton MS. Galba B. V. f. 237 (*L. & P.*, II. (2), 3233).

[3] Cotton MS. Galba B. V. f. 271*b* (*L. & P.*, II. (2), 3300).

[4] Spinelly's credence has not been preserved, but *cf.* Tunstal's and Spinelly's letter of 4 August: "And therefore where as Your Grace had deputyd me, Thomas Spinell, to be your ambassatour resident in his (Charles V's) court and to go in his company into Spaine" (Cotton MS. Galba B. V. f. 298; *L. & P.*, II. (2), 3556); and Chièvres' letter to Wolsey of 1 August, clearly in acknowledgment of Spinelly's credence (Cotton MS. Galba B. VI. f. 70; *L. & P.*, II. (2), 3562).

The motives which induced Wolsey to take this step, the reversal of a policy consistently pursued for eight years, are obvious enough. The events of December, 1516, to February, 1517, had been, it must be presumed, a revelation of what could happen to a too credulous and ill-informed government, and Spinelly, by his actions then and afterwards, had not failed to point the moral. Between 1515 and 1517, the government from time to time had had resident ambassadors in the Netherlands, but these men had only held their office for short periods, the policy which had dictated their employment had been purely opportunist, and their duties had been mainly diplomatic and not informative. The government, meanwhile, had relied for the bulk of its information on another source, until this source, as has been shown, became an object of suspicion. But this manner of proceeding had been proved a failure, and a failure, it must be said, which had largely received its emphasis from Spinelly's own unremitting efforts in the face of constant discouragement. Spinelly certainly had his faults ; his judgments, though admirable at times, were always prone to be influenced by irrelevant factors such as his personal feelings ; he was vain, self-important and officious. All the same he was extremely shrewd, and understood the art of collecting news as did no other English agent of his day. These qualities, it was only too obvious, were indispensable, but in order that they might be exploited to the full, Spinelly needed to add to his recognized functions those which in the past two years had been discharged by Tunstal and Knight. They were, accordingly, bestowed on him.

His appointment as resident ambassador did not end his struggles with the government, but it was certainly, to his own mind, the crowning moment of his life and the fitting conclusion to his labours. Henceforth, he wrote to Bryan Tuke, " Ye shall see fyrst all the King our master affayrres succede with moche honnor to his contentament and pleaser." [1]

[1] S.P., 1/15, f. 250 (*L. & P.*, II. (2), 3608).

Even now, however, he had one cause for disquiet. Sir John Stile was still in Spain in an indeterminate position such as Spinelly himself had occupied.[1] Spinelly wished to know how he should deal with the situation. "I humbly beseche your Grace," he wrote to Henry, "that I may knowe by what manere I shall ordre myself with Sir John Stile, beyng mynted for my parte to shewe him all honnor and kyndnesse that I can."[2] But from a letter which Stile sent to Henry VIII in February, 1518, it would seem that there was some discrepancy between Spinelly's intentions and his acts.

And it please your Grace [Stile wrote], here is Sir Thomas Spynelly, Florentyne, whiche saithe that he hathe comyssion of Your Highnes and auctorite, and no man but he hathe thauctorite to be your ambassadour in the King of Castiles corte, and so the said Sir Thomas taketh on hym, and dailly is verray besy with the Lord Cheures and Chauncellor and medleth with every mans mater, gretely besying humself in the corte, saying that he hath dailly lettres from your royal counsail and grete promocions of Your Highnes, and speketh of thinges of the whiche I thinke he hathe no such comyssion of your Highnes nor of your royal counsail. And for that, and it please Your Grace, I do shewe unto hym that no man owght for to speke otherwise then the truthe, and as he hathe comyssion for to do. The said Sir Thomas, folowing the counsail of Italians and their company, of his high mynde he wol not gladly company with me, and he taking on hym only the ful auctorite as your chief ambassador here, the whiche with the pardon of Your Grace is merveiled.[3]

Thus did Spinelly revenge himself for years of humiliation.

The altercation was decided in Spinelly's favour, for Stile left for England shortly afterwards,[4] and Spinelly was henceforth in the undisputed position of resident ambassador

[1] *Cf.* Stile to Henry VIII, 11 February, 1518. Cotton MS. Vesp. C. I. f. 126*b* *et seq.* (*L. & P.*, II. (2), 3937).

[2] Cotton MS. Galba B. V. f. 334. (*L. & P.*, II. (2), 3566).

[3] Cotton MS. Vesp. C. I. f. 126*b* *et seq.* (*L. & P.*, II. (2), 3937).

[4] *Cf. L. & P.*, II. (2), 4159.

with Charles, a position the amenities of which were enhanced by Charles's need, at this time, of English support. Spinelly, to judge by his letters, was handsomely treated at the Spanish court, asked out to dinner and supper by Chièvres and Sauvage, taken into their inmost confidence and accorded audiences by Charles when other ambassadors were turned away.[1] He certainly creates the impression that he was now reaping where he had sown, and that his connection at court, built up in less propitious circumstances, was serving its full purpose. For Charles had taken his Flemish ministers with him to Spain, and Spinelly, by virtue of his added dignity, was able to make more extensive use of friendships which he had fostered before.[2] But he always liked to think he was a person of importance. If the Venetian ambassador is to be believed,[3] the consideration in which he was held was a figment of his own imagination. All the same, the difference between his position now and as it had been before 1517 is clearly apparent from his letters, which become increasingly less a catalogue of disconnected facts and unsubstantiated rumours, and show a more comprehensive grasp of the political situation and a surer judgment. The policy which had dictated his appointment seems, in fact, to have been justified by the results.

But there were times when the advantages of his new dignity were seriously diminished. The English government, though it trusted him considerably further than in the early days, could not yet bring itself to overcome all its old suspicions. When in 1518 negotiations were begun for peace with France, and it was necessary first to disguise the fact from Charles and then to invent excuses for it, special ambassadors were sent to Spain, and Spinelly was

[1] Cotton MS. Vesp. C. I. f. 274 (*L. & P.*, III. (1), 312).

[2] Spinelly makes much, at this time, of his intimacy with Chièvres, which he sought to further by starting negotiations for the marriage of Chièvres' niece to the Earl of Devonshire (Cotton MS. Vesp. C. I. f. 278; *L. & P.*, III. (1), 312).

[3] *Cf. infra*, p. 190.

not included in their commission.[1] The same fate overtook him in September, 1520, when Tunstal was sent to Charles on a special mission. Bitterly disappointed at this aspersion cast upon his long and faithful service he asked for his discharge.[2]

His dignity was eventually rescued, not because of any penitence on Wolsey's part, but by a change in the diplomatic situation resulting in a close alliance between England and the Empire. Charles visited England in May, 1520, and two months later had an interview with Henry at Gravelines. Here the following significant agreement was arrived at: "Actum extitit et conventum quod uterque nostrum oratorem ordinarium penes alterum habeat, cum quo singula fideliter communicari et conferri possint, et per quos possimus de singulis occurrentibus veridice informari et premoneri."[3] The employment of a resident ambassador which had hitherto been a matter purely of convenience, having no acknowledged connection with the state of diplomatic relations between the parties concerned, became a condition of the Anglo-Imperial alliance, and his essential functions were defined in a way which belied the practice as it had prevailed, at any rate in England's dealings with Spain and with the imperial court after Charles's election. The resident ambassador, it is to be noted, was henceforth, in theory at least, to be primarily a diplomatic agent, a condition obviously essential to the intercourse between nations joined in a close but secret alliance, each dependent on the other, but neither sure of the other's continued support, each demanding of the other the observance of promises of a highly inconvenient nature involving both in continuous bargaining.[4]

The terms of the above agreement were not, however, at first completely observed. Spinelly, who had been re-

[1] *Cf.* Cotton MS. Vesp. C. I. f. 141 (*L. & P.*, II. (2), 4146).

[2] S.P., I/21, f. 55 (*L. & P.*, III. (1), 992).

[3] Quoted by A. O. Meyer, *Die englische Diplomatie in Deutschland zur Zeit Eduards VI und Mariens*, p. 1 *n.*

[4] *Cf.* W. Busch, *Drei Jahre englische Vermittlungspolitik*, *passim.*

accredited to Charles after his election,[1] was still in 1520 the English resident ambassador, and the requirement that the latter should be a person with whom all matters might be discussed, was clearly not fulfilled in his case when, as has been shown, he was kept in ignorance of Tunstal's commission. To remedy the deficiency, Sir Richard Wingfield was sent out a few months later on a special embassy to Charles, and remained afterwards as a resident ambassador in conjunction with Spinelly.

The policy of employing two resident ambassadors together finally commended itself to the English government as the only means of satisfying both its own and Charles's requirements. For in November, 1521, when Spinelly was in England,[2] Charles seized the occasion to demand that Henry should not appoint a more "mean personnage" to be resident with him than Sir William Fitzwilliam, the English resident ambassador in France. He also significantly added that he thought it very necessary that the man whom Henry should select should be informed of all secret matters.[3] These remarks, made in objection to the rumoured appointment of Knight, must be taken as a reflection upon Spinelly's no less than upon Knight's social qualifications. They were also an explicit protest against the diplomatic procedure hitherto adopted by the English. Wolsey, in other words, was required to settle the problem of how to secure at the same time adequate information and efficient diplomatic representation. The solution adopted to begin with, the employment of an unaccredited informant and frequent special embassies, had proved unsatisfactory, because the informant, for various reasons, and largely because he lacked any honourable office such as would have made him a fitting subject for

[1] Cotton MS. Vesp. F. I. f. 80 (*L. & P.*, III. (1), 719).

[2] Spinelly was sent to England by the special ambassadors Docwra and Boleyn to inform Wolsey of the state of affairs at the Imperial court. (*L. & P.*, III. (2), 1705).

[3] *L. & P.*, III. (2), 1768.

confidences, could not be utilised to the full. The next experiment, the accrediting of a resident ambassador who was primarily an informant and who could be trusted to negotiate only matters of minor importance, though successful from the English point of view, was unacceptable to Charles. Wolsey had therefore to decide how he could satisfy both his own need for an ambassador who could keep him adequately informed, and Charles's demand that that ambassador should be a trusted person and a person of some social distinction. In these circumstances the obvious solution was to appoint two people who should share these qualifications between them. Spinelly was accordingly sent back, and with two short intervals was, for the rest of his life, officially associated with the Wingfields, first Richard and then Robert. He clearly found the arrangement satisfactory since, for the first time in his career, he made no complaints.

In August, 1520, Spinelly died at Valladolid of a "flux," and attained after his death a dignity that would have amply satisfied him, for he was accorded a grand funeral at which were present all the principal people at the imperial court,[1] and his end thus fittingly solemnised the successful conclusion of thirteen years of persistent endeavour. Contarini, writing to the Signory on 1 September, briefly commented on his death, adding that he was of a "very sinister and imprudent nature."[2] But Contarini undoubtedly spoke with a bias, for as he himself had said on many occasions, Spinelly was a bitter enemy to the Venetians, and he had not hesitated to advertise the fact with characteristic but certainly unwise vehemence. According to Contarini, Spinelly was held of small account at Charles's court and was looked on rather as a spy than as an ambassador,[3] and although Contarini's judgments on this subject must be accepted with caution, it is probable that what he said was in the main true. It is, in fact, only to be expected, since

[1] Cotton MS. Vesp. C. II. f. 11 (*L. & P.*, III. (2), 2522).
[2] *Ven. Cal.*, III. 542.
[3] *Ibid.*, 507.

Spinelly's employers and he himself scarcely, throughout his career, altered their conceptions of his functions, that the stigma attaching to his original position should have remained with him always.

Though his prolific correspondence contained so much information, so many amusing descriptions and such shrewd comments that it has been used by all writers on the period, it cannot be proved that he in any way moulded England's policy, and of his activities in any other sphere than the diplomatic, if such existed, nothing is known. Yet his career has a considerable academic interest. Though the development of English diplomatic procedure between 1509 and 1522 cannot, in its main lines, be attributed to him—for it was clearly the product of necessity, and, in any case, was being worked out in various stages at other courts than Charles's, both during and after his day—by a series of fortunate accidents, his personal qualities, and the times and circumstances in which he served, combined to make his career an epitome of the steps which that development followed. Childishly elated and depressed by turns, querulous or boastful, but immensely industrious, in comparison with his more sedate and less enterprising colleagues he seems often absurd, but admirable too for his unequalled energy and unfaltering championship of the dignity of his position, inextricably associated in his mind with the advancement of his master's interests. He was, it is true, only the undistinguished member of an office which served primarily to execute and not to shape England's policy, but because the way in which a policy is executed must affect its results, and because the story of his struggles and triumphs is typical of diplomatic development during the period, he has a permanent interest for the historian, apart from the instructive illustration which his life provides of that interaction of circumstances and character which is necessary to success. If he had never lived, no doubt the history of English diplomatic procedure would have been in all essentials the same, but his ambition and

his persistence, combined with his unique opportunities for acquiring news, prevented his being discarded when new methods came into vogue, and his career thus serves to illustrate the continuity in the evolution of the resident ambassador from a spy to a diplomatic agent.

APPENDIX

LIST OF ENGLISH AMBASSADORS EMPLOYED AT THE BURGUNDIAN, SPANISH AND IMPERIAL COURTS CONTEMPORANEOUSLY WITH SPINELLY, 1509–22.

At the Burgundian Court

John Young, Sir Thomas Boleyn and Sir Robert Wingfield, special ambassadors.

Credence 16 May, 1512 (I (1) 1196).[1]

joined by:

Sir Edward Poynings and Sir Richard Wingfield, special ambassadors.

Powers 20 December, 1512 (I. (1), 1524 (39)).

Young and Boleyn left the court in May, 1513 (I. (21), 1871).

Sir Richard Wingfield and Poynings (?) left the court in June, 1513 (I. (2), 1963).

Sir Robert Wingfield remained as resident ambassador with Maximilian (I. (2), *passim*).

Sir Richard Wingfield and William Knight, special ambassadors joined with Thomas Spinelly.

Powers to levy troops in Germany and the Netherlands, 19 February, 1514 (I. (2), 2684 (88)).

Arrived at the court 17 March, 1514 (I. (2), 2763).

Knight left the Netherlands sometime between 10 May, 1514 (*cf.* I. (2), 2894) and 23 July, 1514 (*cf.* I. (2), 5088).

Wingfield remained, possibly as resident ambassador, till November, 1514 (I. (2), 3457).

Sir Edward Poynings and William Knight, special ambassadors.

Powers to conclude a political alliance, 7 May, 1515 (Rymer, *Foedera*, XIII. 495; *L. & P.*, II. (1), 423).

Cuthbert Tunstal, Richard Sampson, Thomas More, special ambassadors joined with Spinelly and John Clifford, governor of the English merchants in the Netherlands.

Powers to conclude a commercial treaty, 7 May, 1515 (Rymer, *Foedera*, XIII. 497; (*L. & P.*, II. (2), 422).

These two embassies were later rearranged as follows:

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[1] All references in this list, unless otherwise stated, are to the *Letters and Papers of Henry VIII.*

Tunstal and Knight.

Powers to conclude a political alliance, 1 October, 1515 (Treaty Roll P.R.O. C., 67/127, mem. 9; *L. & P.*, II. (1), 976).

Tunstal, Knight, Sampson, More, Clifford and Spinelly.

Powers to conclude a commercial treaty, 8 October, 1515 (Treaty Roll, C. 67/127, mem. 10; *L. & P.*, II. (1), 986 [1]).

Poynings left the court, 4 September, 1515 (I. (1), 904).

Tunstal left the court, 30 January, 1516 (?) (II. (1), 1458).

Knight remained as resident ambassador (Cotton MS. Galba. B. III. f. 298; *L. & P.*, II. (1), 1047). He left the court at the end of February, 1516 (II. (1), 1581).

Sir Richard Wingfield and Cuthbert Tunstal, special ambassadors.

Arrived at the court 3 June, 1516 (II. (1), 2006).

Wingfield left the court 1 September, 1516 (II. (1), 2322).

Tunstal remained as resident ambassador (Cotton MS. Galba B. IV. f. 171*b*; *L. & P.*, II. (1), 2322). Left the court early in January, 1517 (*cf.* II. (2), 2766 and 2794).

William Knight, resident ambassador.

Instructions II. (1), 2713 (2 and 3), undated.

Arrived at the court, 22 January, 1517 (II. (2), 2813).

Left the court, 5 March, 1517 (?) (II. (I), 2985).

Charles Somerset, Earl of Worcester, and Cuthbert Tunstal, special ambassadors.

Instructions II. (1), 2713 (1), undated. *Cf.* also II. (2), 2794.

Arrived at the court, 27 January, 1517 (II. (2), 2847).

Worcester left the court at the beginning of June, 1517 (II. (1), 3343).

Tunstal remained as resident ambassador. (Cotton MS. Galba B. IV. f. 275; *L. & P.*, II. (2), 3343).

Left the Low Countries end of September or beginning of October, 1517 (*L. & P.*, II. (2), 3727).

At the Spanish Court

John Kite, Bishop of Armagh and John Bourchier, Lord Berners, special ambassadors.

Arrived in Spain at the end of March, 1518 (II. (2), 4056).

Left the court, 7 January, 1519 (?) (III. (1), 10).

At the Imperial Court

Cuthbert Tunstal, Special Ambassador.

Arrived at the court, 17 September, 1520 (III. (1), 1983).

Left the court 21 April, 1521 (III. (1), 1248).

[1] Wrongly calendared in the *L. & P.* for 2 October.

Sir Richard Wingfield. First special and then resident ambassador. Unofficially joined with Spinelly when he was special ambassador, officially joined with him when he was resident ambassador (III. *passim*).

Instructions III. (1), 1270, undated.

Arrived at the court, end of May, 1521 (III. (1), 1318).

Left 22 June, 1521 (III. (1), 1367).

Returned early in July (III. (2), 1414).

Left end of July (Cotton MS. Galba. B. VI. ff. 91 and 92).

Back by end of August (III. (2), 1524).

Left 9 January, 1522 (?) (III. (2), 1941).

John Docwra, Prior of St. John's, and Sir Thomas Boleyn. Special ambassadors.

Instructions III. (2), 1694, undated.

Arrived at the court, 25 October, 1521 (III. (2), 1705).

Left the court, middle of November, 1521 (III. (2), 1778).

Sir Robert Wingfield. Resident ambassador joined with Spinelly (III. (2), *passim*).

Arrived 9 February, 1522 (III. (2), 2035).

Accompanied Charles V to England, May, 1582 (?).

Sir Richard Wingfield. Special ambassador. Unofficially joined with Sir Robert Wingfield and Spinelly (III. (2), *passim*).

Arrived at the court 4 May, 1522 (III. (2), 2228).

Accompanied Charles V to England, May, 1522 (?).

THE ECONOMIC AND SOCIAL EFFECT OF THE USURY LAWS IN THE EIGHTEENTH CENTURY

By Sybil Campbell, M.A., F.R.Hist.S.

Read 27 April, 1933

I have just been reading "Three lectures by the late Sir Israel Gollancz," printed for private circulation and kindly lent to me by Dr. Hubert Hall, in which the following passage occurs: "Long before Shakespeare thought of dealing with the theme, when Shakespeare was still young—a schoolboy—the story of the Jew with reference to the same story that we have in Shakespeare's *Merchant of Venice* had been enacted on the English stage. As early as 1579 we have a reference to it, but the play was lost; we know it only from Gosson's reference." The author goes on to explain that "in 1579 we have already two elements that make up *The Merchant of Venice*; the Pound of Flesh motive on the one hand and, on the other, the Choice of the Caskets, combined into one play, *The Jew*, 'representing the greedinesse of worldly chusers, and the bloody minds of usurers.'"

There had been little, if any, change of practical importance in the Law of Usury between the time of Elizabeth and the eighteenth century, and I fear the minds of usurers had changed but little also. The permitted rate of interest had been gradually reduced from 10 per cent. to 6 per cent., and in 1713 from 6 per cent. to 5 per cent.[1] The meaning of "interest" itself had slowly changed until in the eighteenth century "lawful interest" in Great Britain meant simply "interest at 5 per cent." Any agreement to take more on any loan or mortgage was utterly void

[1] 12 Anne, st. 2, c. 16.

and the lender was liable to forfeit treble the value of what was lent. One moiety of the forfeitures went to the Crown and the other moiety to the person that would sue for it. In the East Indies 12 per cent. was lawful, no more, and the forfeitures were to go as to one moiety to the East India Company and as to the other to the prosecutor.[1] Interest at 6 per cent. was allowed for money lent on lands in Ireland or in the plantations in the West Indies, the securities for which were made in Great Britain.[2]

In this connection I want to emphasise the word "*loan*" and to examine one or two transactions of some interest, in which more than 5 per cent. was made by the investor, but which were not loans at all, and for this reason it was held that the bargains were not usurious.

The Hazard of the Principal

In the year 1738 John Spencer,[3] the favourite grandson of Sarah, Duchess of Marlborough, from whom he had great expectations, found himself financially embarrassed, and it was hawked about that Mr. Spencer wanted to borrow £5,000 to pay double for it upon the death of the Duchess if he survived her. "He was above thirty; originally of a hale constitution but impaired; and although afterward he lived more regular, yet he was addicted to several habits prejudicial to his health which he could not leave off. She was seventy-eight, of a good constitution for her age and careful of her health."[4] John Spencer had some difficulty in finding an acceptor of his proposal, which was for the usual *Post obit bond*[5]; indeed, it was "rejected by several knowing persons as not sufficiently advantageous." Backwell, a gamester, however, told Mr.

[1] 13 Geo. III, c. 63, s. 30.

[2] 14 Geo. III, c. 79, ss. 1 and 2.

[3] The Hon. John Spencer, whose son afterwards became the first Earl Spencer. *Complete Peerage*, ed. G.E.C.

[4] Chesterfield and Janssen, 2 Ves. Sen. 125.

[5] For the wording of a "Post Obit Bond," see *A Practical Treatise on the Law of Bonds*, by Edwin Tyrrell Hurlstone, 1835, p. 156.

Spencer that he had found a man of honour and fortune proper to be applied to. This was Abraham Janssen,[1] who advanced £5,000 to Mr. Spencer upon the required terms. The Duchess of Marlborough died in 1744, and thereupon Mr. Spencer gave a bond for £10,000 to Janssen in exchange for his original bond. Of this £2,000 was paid before Mr. Spencer's death in 1746. Sir Abraham Janssen took steps to recover the remainder of his debt from Mr. Spencer's executors, who brought a bill in equity to set aside the contract as usurious.[2] Mr. Justice Burnett, in his advice to the Lord Chancellor, said: "This case is a contract upon a hazard that the defendant may never have any principal or interest at all and is like the case of a *bottomry bond*." If Mr. Spencer had died before the Duchess his estate would have been liable for nothing and he had had his £5,000. Lord Hardwicke, in giving judgment, said this: "I have no doubt at all that this is not an usurious contract but a wager of hazard not within the statute; to make a contract usurious there must be a loan to be repaid at all events with higher interest than the statute permits." So it was held that this bargain was not usurious, although Janssen gave £5,000 to win £10,000 less than two years later. This brings me to my next example of *Bottomry Bonds*.

Bottomry, described by Professor Ashley as a "loan like form of partnership," is, according to Blackstone, "in the nature of a mortgage of a ship; when the owner takes up money to enable him to carry on his voyage, and pledges the keel or bottom of the ship (*partem pro toto*) as a security

[1] Abraham Janssen was the eldest son and heir of Sir Theodore Janson or Janssen, Bart., of Wimbledon, Co. Surrey, and a merchant of London, who had been M.P. for Yarmouth from 1717 until he was expelled in 1721 as being one of the Directors of the South Sea Company, in the collapse of which in 1720 he was ruined. See the *Complete Baronetage*, ed. G.E.C. Abraham Janssen, who was M.P. for Dorchester 1720–22, succeeded to the Baronetcy in 1748 and is described as a Baronet in a Chancery order relating to the case of Chesterfield and Janssen, see P.R.O., Chancery Orders, 1750, A. 168.

[2] Chesterfield and Janssen, 2 Ves. Sen. 125, 1 Atk. 301, 1 Wils. 286.

for the repayment. In which case it is understood, that if the ship be lost, the lender loses also his whole money; but, if it returns in safety, then he shall receive back his principal, and also the premium or interest agreed upon, however it may exceed the legal rate of interest." [1] A bottomry bond was therefore a convenient form of partnership in a venture where the liability of the investor was limited to the sum he provided. There was no question of a loan in the strict sense in bottomry, and it is important to bear this in mind, especially as the phrase "lending money by way of Bottomree" crept into use even in Acts of Parliament.[2]

Undervalued Annuities for the Lives of the Sellers

Another transaction which was not "usurious," although it yielded more than 5 per cent. to the investor because of the "hazard of the principal," was the sale of an annuity, and I want to draw your attention to a peculiar type of annuity which flourished in the eighteenth century.

Imagine yourself a young man of the time and anxious to raise money. You come to me, who am a usurer, and I say, "I will buy an annuity from you at six years' purchase," that is to say, I will pay you the sum of £600 down and you, the seller of the annuity, agree to pay me £100 a year for your life. Your probable expectation of life is, say, twenty years. Now this is an "undervalued annuity for the life of the seller"; and note that in this bargain there is no loan. I pay you £600 to-day and if you die to-morrow you pay me nothing. There is no agreement by you to return my £600 in any event. I "hazard" that amount, although in fact I take the precaution at once of insuring your life for £600 in an insurance office. As subtle a transaction as was ever conceived in the minds of usurers! and so safe, provided I do not even discuss lending and so

[1] *Commentaries on the Law of England*, 16th edition (1825), Vol. II., p. 457.

[2] Cf. the Bubble Act, 6 Geo. I, c. 18.

run the risk of having the contract set aside as colour for usury.

A great traffic in these undervalued annuities for the lives of the sellers grew up in the eighteenth century, and in 1777 the Annuity Act [1] was passed by which it became necessary to register memorials of these transactions in Chancery. I do not propose to trouble you with much detail about these enrolments, as I have written about them at some length in the *Law Quarterly Review*,[2] but they are very interesting and perfectly simple to follow once you have the clue by which to read them. I suspect that the real reason I have been asked to address you to-day, under a title which terrifies me every time I look at it, is that I may persuade those of you interested in the eighteenth century, to make use of these documents, which must be of considerable interest to students of the social and economic history of that time. There, in the Close Rolls, are the records of money raised by statesmen, politicians, soldiers, clergy, as well as by notorious gamblers and spendthrifts of the day, with the names of those from whom they obtained it.

In 1777, the same year in which the Annuity Act was passed, *The School for Scandal* was produced for the first time at Drury Lane. You will remember Trip's desperate attempts to raise money and his last effort, "Hark 'ee, Moses, do you think you couldn't get it me by way of annuity," and Sir Oliver Surface's aside, "An annuity! ha! ha! a footman raise money by way of annuity! Well done, luxury, egad!" Sheridan knew only too well what he was writing about, for shortly before this he had raised money by this very method when he bought Garrick's share in the Covent Garden Theatre.[3]

[1] 17 Geo. III, c. 26, repealed and replaced by 53 Geo. III, c. 141, which was repealed in 1854 by 17 & 18 Vic., c. 90.

[2] "Usury and Annuities of the Eighteenth Century," *L.Q.R.*, Oct., 1928.

[3] See P.R.O., Close Roll 6483 (No. 31), printed in Publications of the Selden Society; *Select Cases concerning the Law Merchant*, vol. III, 1932, p. 131, and P.R.O., Close Roll 6521 (no. 17).

Some of those who provided the funds for this traffic evidently made a regular trade of it, and chief among them was *John Manners*, of Grantham Grange, Lincoln, and of Pall Mall in the parish of St. James's, Westminster, who had an address for this traffic at Old Burlington Street.[1] Some of the buyers of annuities have English or Scottish names and others clearly Jewish. There are in addition isolated investments recorded which were probably arranged through a broker with or without the help of an advertisement in the newspapers. The following is a typical advertisement: "Money on Bond or otherwise. A Gentleman of Profession, honoured with the Confidence of two friends, for the entire disposal of a sum in annuities for the sellers' lives, is under a necessity (for so Considerable an amount) to use this very fashionable though not very agreeable mode of inviting the Nobility, Gentry, etc., who may have occasion for such accommodations to favour him with a line, sealed up and directed to P. L. at his lodgings at Shee's Lottery Office, Charing Cross, to which they may rely on the most immediate attention, delicacy and honour. *N.B.*—He is in town every morning by nine o'clock, and may be found as above from thence till one (Sundays excepted)." [2]

In an anonymous pamphlet entitled, "Reflections on Usury," [3] evidently published while the Annuity Act was a bill then "before the House," the writer says:

"and indeed the want of such a register of annuities, in which the respectable names of the virtuous and upright persons concerned in this honourable and humane traffick, shall be faithfully given to the public, hath been long regretted. It is time the world should understand a little, how the parade and shew, affected by the very numerous body of bankers in this metropolis, are kept up and maintained in this melancholy season of public

[1] See *L.Q.R.*, Oct., 1928, pp. 488 *et seq.*

[2] From the *Morning Post* and *Daily Advertiser* for Thursday, 2nd January, 1777.

[3] Published in 1777. My copy bears in manuscript, "by ye Revd. R. Shepherd to H. S. from ye Author."

and private distress. It is time, the nobility and gentlemen should know, what use this rank of men make of their favours; ruining their sons and families by the means they put in their hands." [1]

If the writer of this pamphlet be wrong in accusing the bankers of being concerned in the annuity traffic, it is the only statement he makes which is not corroborated by the enrolments for 1777 and the early years which followed.[2] What seems much more likely is that the bankers stopped investing in these annuities as soon as they had to register them. I have, so far, found only two transactions in which it is clear that a banker provided the amount raised. On 4 February, 1778, there is an enrolment of a bargain by which on 1 May, 1777, Philip, Earl of Chesterfield,[3] raised £6,000 from Sir Charles Raymond, Bart., by granting to him an annuity of £1,000 a year for the life of Chesterfield,[4] and in 1783 there is an enrolment of a bargain by which on 20 May, 1768, the Rt. Hon. Viscount Melbourne, then Peniston Lamb, raised £700 from Sir Charles Raymond, Bart., then Charles Raymond, Esquire, by granting him an annuity of £100 for the life of Melbourne.[5] Sir Charles Raymond was a banker [6] and died worth £200,000.[7] Although these two transactions are enrolled they were both actually effected before the Annuity Act was passed,[8] Sir Charles Raymond would

[1] *Ibid.*, p. 32.

[2] Cf. the names in the lists of Bankers for 1776, 1778 and 1779 given in *A Handbook of London Bankers*, by F. G. Hilton Price, 1876, and the names of grantees (or buyers) of Annuities in P.R.O., Index, no. 1316, for the years 1777–85.

[3] Cousin of Philip Dormer Stanhope, Earl of Chesterfield, whom he succeeded in 1773. *Complete Peerage*, ed. G.E.C.

[4] P.R.O., Close Roll 6519 (no. 103). [5] *Ibid.*, 6679 (no. 14).

[6] See *Handbook of London Bankers, supra.* Lists for 1771 onwards until 1788.

[7] "Presumably acquired by merchandise" according to a note in the *Complete Baronetage*, ed. G.E.C.

[8] The Bill was read a third time on 12 May, 1777, and the Royal Assent was given on 16 May that year. See the *Commons Journals*. The first enrolment under the Act is dated 31 May, 1777. See P.R.O., Close Roll 6483 (no. 80).

thereafter have to choose between enrolling these annuities and forfeiting his rights to enforce the contracts, and I suggest that the enrolment of these two earlier transactions tends to confirm the view that it was the compulsory registration that discouraged the bankers from this type of investment.

Another isolated investment of some interest is that by which Charles Orby Hunter of Harley Street in the County of Middlesex, Esquire, obtained £1,200 on 30 April, 1776, from Joseph Hickey of St. Albans Street in the said County, by granting an annuity of £200 to Hickey for his (Hunter's) life.[1] Joseph Hickey was Hickey, the attorney mentioned in Goldsmith's "Retaliation,"[2] and the father of William Hickey. One cannot help wondering whether Joseph Hickey also was one of those who trafficked in annuities and was deterred by having to register them; Goldsmith's words, "Perhaps you may ask if the man was a miser? I answer, no, no, for he always was wiser," may contain a deeper sting than the gibe at lawyers that follows afterwards.

Evasions of the Usury Laws

As I have said elsewhere,[3] "the fact that this method of raising money was so widely used in spite of the expense and the publicity necessarily associated with any form of registration open to the public, is conclusive proof that the Usury Laws were feared and were far from obsolete at the time." This is confirmed by the gradual and piecemeal way in which they were amended and repealed. The Act of 1854,[4] which completed their repeal, was but the last of a series of statutes dealing with this question, and the law reports for the previous twenty years contain a

[1] P.R.O., Close Roll 6483 (no. 60).

[2] See Editor's note to the *Memoirs of William Hickey*, ed. Alfred Spencer, 1913.

[3] *L.Q.R.*, Oct., 1928.

[4] 17 & 18 Vic. c. 90: "An Act to repeal the Laws relating to Usury and to the enrolment of Annuities."

surprising number of cases in which the issue of usury was raised in some form or other.

The traffic in undervalued annuities for the sellers' lives was probably the safest method of evasion, but then, as always, people who were determined to get what they wanted, and who were prepared to pay for the added risk of illegally supplying their wants, could raise money at exorbitant rates, as was shown by Jeremy Bentham.[1] Mark Ord, writing afterwards in 1804, says sadly, "The legislature has frequently attempted to put an end to evasions of the laws against Usury: and after a long contest between the Usurer and the legislature the ingenuity of the former is suffered to prevail over the authority of the latter; for the legislature has never yet been able to extirpate the practices of usurers, to get extravagant interest." [2] Benjamin Robert Haydon in his autobiography has described how, as late as in 1816, he had to pretend to buy "a miserable copy of a Rubens placed in a good light" for £20 before he could get a bill for £122 10*s.* at 5 per cent. at three months accepted by a usurer. Haydon took away only £100 at the end of this transaction.[3]

The fact that usury cannot be prevented and that borrowers may have to pay higher rates because of the attempted restriction should be remembered, for as recently as 1925 there were Moneylenders Bills before Parliament containing clauses limiting once more the rate of interest which might lawfully be charged.[4] No maximum

[1] *Defence of Usury*, 2nd ed., 1790. The date 1816 given by Dicey as the date of publication of this work was the date of publication of the 3rd edition.

[2] *Essay on the Law of Usury*, 1804, pp. 82–3.

[3] *Life of Benjamin Robert Haydon, Historical Painter, from his Autobiography and Journals*, edited and compiled by Tom Taylor, 1853, Vol. I, p. 318.

[4] By Lord Carson's Bill, ordered to be printed 24 February, 1925, sec. 3 (1), maximum rate of interest to be 15 per cent., and sec. 3 (3), on loans of less than £20, 10 per cent.

By Mr. Wells' Bill ordered to be printed 2 March, 1925, sec. 7, interest above 20 per cent. to be deemed to be harsh and unconscionable. This rate crept up to 4 per cent. per month in Lord Carson's Bill as amended by the Joint Select Committee.

rate of interest has, however, as yet been reimposed by statute.

Maximum Discount Rate of Five per Cent.

One result of the prohibition of more than 5 per cent. on loans was to fix 5 per cent. as the maximum discount rate which might legally be paid. In a case tried at Hereford Assizes in 1780 it was held to be usury for country bankers to take more than 5 per cent. on inland bills payable at another place,[1] but it was afterwards decided [2] that parties might take not only 5 per cent. for legal interest but also a reasonable sum for remitting and other necessary expenses.

The difficulties in which the Bank of England was placed when dealing with financial crises and gold drains in the last part of the eighteenth and in the early nineteenth centuries were undoubtedly accentuated by the fact that they could not raise their discount rate above 5 per cent.[3] In 1833 bills of exchange not having more than three months to run were exempted from the Usury Laws,[4] and in 1837 bills of exchange payable at or within twelve months were exempted.[5]

It is difficult to know whether those who directed the policy of the Bank would have raised the discount rate earlier had they had the power to do so, but it is significant that the Bank rate was raised to 5 per cent., the highest possible legal rate in the crisis of 1825, that in the time of pressure in 1836–7 it was again raised to 5 per cent. In the height of that crisis, i.e. in the second half

[1] Benson and Parry, quoted at p. 70 of Mark Ord's *Essay on the Law of Usury*, 1804.

[2] In Auriol and Thomas, 2 Term Rep. 52.

[3] See A. Andréadès, *History of the Bank of England*, in the preface by H. S. Foxwell; T. Tooke's *History of Prices*, Vol. III, 1840, pp. 138 *et seq.*; T. E. Gregory, *British Banking Statutes and Reports*, 1832–1928, Introduction to Vol. I, and the evidence of Mr. G. W. Norman before the Select Committee of the House of Lords on *Interest of Money*, 1841, pp. 1 *et seq.*

[4] 3 & IV Will. IV, c. 98, s. 7.

[5] 7 Will. IV and 1 Vic., c. 80.

of 1839, it was raised to 6 per cent., while in 1857 it was raised to 10 per cent.[1] I say nothing as to more recent events.

The Effect of the Usury Laws on Trade

As I have said, 12 per cent. was the legal maximum rate of interest in the East Indies; it was described by William Hickey as "the ruinous interest of 12 per cent., a rate that in itself was the source of destruction of several of my acquaintances, for the natives of India, not content with that exorbitant advantage, constantly insist upon those persons who are indebted to them settling annually, and if unable to pay in cash cancel the former security and take a new one including the interest for the preceding year, by which means the debt accumulates so rapidly that few persons can withstand it."[2] A somewhat biased statement showing that Hickey, with all his charm, must have been a "worldly chuser."

The South Sea Company was by statute[3] allowed to borrow money for any time "not less than six months from the borrowing, at such rates as the Company may think fit," and in any case where a contract was made in a foreign country the English Courts directed the payment of interest according to the law of the country in which the contract was made. In spite of legislative restrictions[4] Bottomry bonds, as we have seen, were a convenient way of investing money in foreign trade, and many investors must have been more fortunate than Smollett's hero Peregrine Pickle, whose venture was so disastrous. It may therefore be said that the Usury Laws did not offer much hindrance to investment in foreign trade.

[1] *British Banking, Statutes and Reports, supra,* Vol. I, pp. xxx and xxxi. See also *Annual Register,* 1837, p. 174; 1839, p. 289, and 1857, p. 218.

[2] *Memoirs of William Hickey,* ed. A. Spencer, Vol. III, p. 391.

[3] 3 Geo. I, c. 9, s. 16.

[4] See the Bubble Act, 6 Geo. I, c. 18, and also 8 Geo. I, c. 15, s. 25, and James Allan Park: *A System of the Law of Marine Insurances with three chapters on Bottomry, etc.,* 1817, Vol. II, pp. 615 *et seq.*

The Bank of England was by statute [1] allowed to borrow money "at such rates of interest as the Company thinks proper," but this advantage was not shared by other companies or traders in this country. At the end of the eighteenth century England was ready to take advantage of the inventions of the Industrial Revolution and was at the beginning of a great expansion of trade and industry. It was important that full advantage should be taken of the opportunities given and that capital should flow easily into new businesses. The Usury Laws must have hindered trading with borrowed capital, because the opportunities were so few for investment with limited liability. Indeed, only in the chartered companies and in some companies set up by Act of Parliament was the liability of investors limited. In all others the choice lay between *lending to the trader at* 5 *per cent.*, a rate which was probably insufficient to tempt people to finance a new business, and *partnership* with the necessary consequence that the partner was liable for the losses of the business to the last farthing he possessed.

In these circumstances it is not surprising to find that attempts were made to make the best of both worlds, and there is no doubt that the device of annuities was used in business agreements as well as for ordinary money-lending transactions.

In the leading case of *Grace and Smith* [2] De Grey, C.J., laid down the principle that every man who has the share of the profits of a trade ought also to bear his share of the loss. In that case two people, Smith and Robinson, who had been partners, parted company in 1767 and the business was carried on by Robinson only. Smith lent Robinson £4,000, or let it remain in his hands for seven years at 5 per cent., and had an annuity of £300 per annum for the same seven years.

It was argued in this case that this was a secret partnership, to leave money in the trade and to receive for it

[1] 3 Geo. I, c. 8, s. 39. [2] 2 Blackstone, 997.

12½ per cent. profit, which could not fairly be done unless it was understood to arise from the profits of the trade. On the other side it was argued that the annuity did not mean it was either usury or partnership, it might be for the good will of the trade in which Smith had previously been a partner.

The Chief Justice, in giving judgment, said, "I think the true criterion is to inquire whether Smith agreed to share the profits of the trade with Robinson, or whether he only relied on those profits as a fund of payment: a distinction not more nice than usually occurs in questions of trade or usury. The jury have said this was not payable out of profits and I think there is no foundation for granting a new trial." Smith was fortunate, but others were less so.

In the case of *Bloxham and Fourdrinier against Pell and Brooke*,[1] tried at the same Sittings (1775) before Lord Mansfield, there was a partnership between Brooke and Pell, but at the end of one year they agreed that it was to be dissolved. The agreement recited that Brooke, being desirous to have the profits of the trade to himself, and Pell being desirous to relinquish his right to the trade and profits, it was agreed that Brooke should give Pell a bond for £2,485 which Pell had brought into the trade with interest at 5 per cent., which was accordingly done. And it was further agreed that Brooke should pay to Pell £200 per annum for six years, if Brooke so long lived as in lieu of the profits of the trade, an annuity for the life of the seller be it noted, and Brooke covenanted that Pell should be allowed to inspect his books. Lord Mansfield held "that Pell was a secret partner. This was a device to make more than legal interest of money and if it was not a partnership it was a crime. And it shall not lie in the defendant Pell's mouth to say, 'It is usury and not a partnership.'"

The curious effect of this line of cases is summarized in *Lindley on Partnership* [2] as follows:

[1] Reported at p. 998, 2 Blackstone.

[2] 9th edition at p. 52.

"Whilst the laws against Usury were in force, a tendency was sometimes manifested to treat what was in truth a loan at usurious interest, and therefore illegal, as a contract of partnership and therefore legal. This view of the transaction had the merit of apparently holding the parties to their bargain: but in truth the bargain to which they were held was very different from that which they themselves had contemplated; and by treating such transactions as partnerships and not as loans an amount of confusion was introduced into this branch of the law which even the repeal of the Usury Laws failed to remove."[1]

[1] "The leading cases on this subject are Gilpin and Enderby, 5 B. & Ald. 954, and Fereday and Hordern, Jac. 144."

THE ENGLISH FACTORY AT LISBON

Some Chapters in its History

By Sir Richard Lodge, LL.D., Litt.D.

Read 13 *October*, 1932

I take it that to most English readers the history of Portugal is less familiar than that of any other of the western states of Europe. One reason for this is that there are few books in English on the subject, and those which have been written are rather outline sketches than detailed studies. I imagine that the ordinarily well-informed person, if asked what he or she knew about Portugal, would reply: Oh! Vasco da Gama, Catharine of Braganza, the Methuen Treaty and the taste for port, the Lisbon earthquake, the Marquis of Pombal, and the Peninsular War. I doubt whether any Professor of History could offhand give the names and dates of the Portuguese kings.

It is in some ways rather odd that there should be so little familiarity with the history of Portugal, because there is no state in Europe with which our relations have been on the whole so continuously intimate and friendly. Any visitor to the English cemetery at Lisbon will realise what a number of English families have passed great part of their lives on Portuguese soil. It is only recently, in editing the letters written by Benjamin Keene from Spain to Abraham Castres at Lisbon, that my attention has been called to Anglo-Portuguese relations, and especially to that group of English merchants who were organised into what Keene calls a "jolly free Factory" at Lisbon. I cannot claim to have explored the history of this Factory with

any thoroughness, and my object in narrating a few chapters of that history which have come under my notice is to call attention to a subject which, I venture to think, is deserving of more detailed study than it has yet received.

A very competent survey of the commercial relations between England and Portugal has been made in the Transactions of this Society by two young Doctors of Science (Economic), both unhappily since deceased, and their volume may be taken as a starting-point by any student who wishes to explore the history of the Lisbon Factory.[1] But they do not by any means answer all, or even many, of the questions which I should like to ask and should like still more to be able to solve.

I am not going to examine the conditions of trade with Portugal in the Middle Ages. It is an interesting story in itself, and it introduces the student to the heroic age of Portugal—the age of Bartholomew Diaz, of Vasco da Gama, of Pedro Alvares Cabral, of Tristan da Cunha, of Affonso de Alboquerque, of Don João de Castro—names that would adorn the annals of any country. But the conditions down to the end of the sixteenth century were quite different from those of the time with which I am familiar. There can be no doubt that in the whole of this earlier period Portugal was the predominant power and England the rather humble satellite. Lisbon became a great commercial capital—in some ways the commercial capital of Europe—whereas London had not yet emerged into greatness. Another reason for passing over this earlier period is that in 1580 Portugal was annexed by Philip II, and during the sixty years of subjection to Castilian rule, English relations with Portugal were absorbed in our relations with Spain.

[1] Violet M. Shillington and Annie B. Wallis Chapman in *Transactions*, New Series, Vol. XX, and Third Series, Vol. I. Their papers were subsequently published in a single volume. Abraham Castres made a manuscript collection of royal edicts, etc., conferring privileges to British traders. This volume (B.M. Add. MSS. 27344) should be useful to students who can read Portuguese.

My period begins with the revolt of 1640 and with the recovery of Portuguese independence under the house of Braganza. From this date the relations with England became more intimate than ever, but their character was completely altered. Henceforth England is the dominant state and Portugal the satellite. At the same time the Reformation had introduced a difficulty in the relations of the two states which had not existed in the Middle Ages. England was now definitely committed to Protestantism, whereas the Portuguese government was during the next century peculiarly superstitious and reactionary in religious matters. The stability of the alliance in these altered conditions is evidence of its inherent strength.

There are four notable landmarks in the growth of intimacy between England and modern Portugal:

(1) The commercial Treaty of 29 January, 1642.

(2) The commercial Treaty of 10 July, 1654.

(3) The marriage of Catharine of Braganza to Charles II.

(4) The Methuen Treaties of 1703.

The Treaty of 1642, concluded between Charles I and John IV of Portugal,[1] professes to be based upon equality of privilege for both peoples. But a perusal of its clauses shows that this equality is rather superficial than real. The vague general provisions as to freedom of trade apply to both English and Portuguese: but the specific concessions are given to English traders. The explanation of this inherent inequality is obvious. Portugal was the suppliant for English backing against Spain, and had to pay a price for it. Special stress was laid upon the question of religion. No English merchants were to be molested on the score of conscience, provided they give no scandal to others (Art. 17); and Consuls, appointed by the King of Great Britain, were to exercise their functions freely, although they do not profess the Romish religion (Art. 8). The colonial trade of Portugal, so jealously guarded in those

[1] For the terms of the Treaty, see Chalmers, *Collection of Treaties*, II, pp. 258–67.

days, was not to be closed to Englishmen. They were to be freely admitted to the African coasts and to the Isle of St. Thomas (Art. 13), and commissioners were to be appointed to regulate their admission to the trade to Brazil (Art. 16).

The importance of this Treaty is prospective rather than immediate. Portugal had to face a prolonged struggle before its independence was gained, and England was involved in 1642 in the turmoil of civil war. In this war the sympathies of the Portuguese King were with the Royalists, and in 1649 the admission of Prince Rupert and his fleet to Lisbon gave rise to a quarrel with the newly formed Republic in England.[1] When the Republic seemed to be securely established under a Protector, John IV had to give way, and he concluded with Oliver Cromwell the Treaty of 1654. This is by far the most important of all the commercial agreements between England and Portugal, and it is to the terms of this treaty that the English Factory appealed in all subsequent controversies with the Portuguese administration.

The Treaty of 1654, like its predecessor, pays lip-homage to the principle of equality, but, coming after a quarrel in which Portugal had been worsted, it is far more definitely in favour of England. Many of its clauses were borrowed, with slight verbal alterations, from the Treaty of 1642. Some of the chief novelties may be noted. Article 14 allows Protestant worship in private houses and on board English ships, and also provides that British residents in Lisbon shall have a suitable place for the burial of their dead. This led later to the acquision of the famous English cemetery. The privileges as to colonial trade were expanded by definite admission to the trade with Brazil (except in meal, fish, wine, oil and Brazil wood), provided the English ships sail in company with the Portuguese fleet (Art. 11). Of peculiar importance are the judicial privileges granted to

[1] See *Prince Rupert at Lisbon*, edited by S. R. Gardiner, in *Camden Miscellany*, Vol. X, 1902.

English residents in Portugal, and the recognition given to a special official called the Judge Conservator. Article 6, after repeating the provisions of 1642 about Consuls, continues:

"Also, for judging all which shall relate to the people of this Republic, a Judge Conservator shall be deputed, from whom no appeal shall be granted, unless to a Committee of Senators, where the disputes shall be determined within the space of four months, at most, after the appeals."

And Article 13 provides that no Alcaid or other Portuguese officer may arrest or accuse any Englishman (except in a criminal case where he is apprehended in the act), unless he is empowered in writing by the Judge Conservator. These exemptions from the ordinary Portuguese courts and from the Portuguese police were highly valued by the members of the English Factory, and the Judge Conservator, as their champion in such matters, became an official of great importance. It is to be noted that the Treaty makes no provision as to how he is to be appointed.

Finally, a secret article appended to the Treaty provides (1) that the customs duties levied on English goods shall never exceed 23 per cent. of their value; (2) that, if valuations are raised, "it shall not be done but in the presence and by the advice of two English merchants then residing in Portugal and chosen by the English Consul"; (3) that any disputes as to valuation shall be settled by arbitrators chosen by the Consul and the officers of the Portuguese customs-house.[1]

The marriage treaty of Catharine of Braganza is concerned with the transport of the bride, the payment of her superlative dowry (two million Portuguese crowns, Bombay, Tangier, and Galle in Ceylon), and the assistance which in return England was to give to Portugal. Except that the first article confirms all treaties made since 1641, thus giving the sanction of the restored Monarchy to the

[1] See Chalmers, *u.s.*, II, pp. 267–86.

Protector's Treaty of 1654,[1] the marriage treaty has no direct bearing upon the domestic trade of Portugal. But the marriage itself and the subsequent fact that English aid and English diplomacy enabled Portugal to wring from Spain a reluctant acknowledgment of its independence, contributed to make England in a peculiar sense the most favoured nation in all relations with Portugal. It is true that there was some soreness when Tangier was simply abandoned to the Moors instead of being restored to Portugal, as it should have been by the terms of the marriage treaty ; but Portugal was too dependent upon her powerful patron to risk a quarrel, and if England could not afford to defend Tangier, Portugal could far less afford to do so.

It must not be supposed that the Portuguese, proud of their orthodoxy and their past glories, acquiesced with complacence in the giving of exceptional privileges to alien heretics, and in the growing dependence upon foreign supplies for many of the necessaries of life. It is true that the gold from Brazil, which became more and more plentiful in the later part of the seventeenth century, gave them the wherewithal to make the necessary purchases, but there was a strong prejudice in those days against the export of bullion, and an uneasy sense that it was both degrading and dangerous to buy food and clothing from the foreigners. And the conduct of the English residents, many of whom were apt to flaunt their privileges in the face of their native

[1] Chalmers, *u.s.*, II, p. 286. In the great controversy about the infringement of English privileges, which began when Edward Hay was British Envoy at Lisbon, and was continued by his successors, W. H. Lyttelton and Robert Walpole, Pombal played for a time with the contention that all the acts of the Commonwealth had been annulled at the Restoration, and that therefore the treaty of 1654, concluded with the Protector, was null and void. See his replies to Lyttelton's demands in 1768 (S.P., Portugal, 65). But in face of the facts that the treaty had been enforced without protest for a whole century, it was impossible to insist upon this contention. The English ministers were so annoyed by the very suggestion of nullity, that Lyttelton was ordered to break off all negotiations unless it was dropped (Shelburne to Lyttelton, secret, 3 May, 1768). Weymouth, Shelburne's successor, took much the same line in a letter of 30 December, 1768 (*ibid.*, 66).

neighbours, was not calculated to appease these very natural misgivings. Every now and then there were spurts of what we call nowadays national sentiment, and the Portuguese government was impelled to take measures in the direction of self-sufficiency. Perhaps the most conspicuous of these spasmodic efforts was a royal edict in 1679 which ordered all inhabitants of Portugal to wear cloth of native manufacture. This, and other measures of the same kind, provoked protests from the English traders, who found their imports unpleasantly restricted. In many cases these protests were successful, but the edict against the importation of foreign cloth was obstinately upheld. Another cause of friction was supplied by occasional efforts to prohibit the export of the precious metals—efforts which were necessarily futile because the balance of trade was continuously adverse to Portugal.

There was always a danger that these strivings of economic nationalism might extend to political affairs, and that England might lose its control of the rudder of Portuguese foreign policy. After the Revolution of 1688 had placed England in what looked like permanent antagonism to France, the latter country had the strongest reason for encouraging Portugal to free itself from English domination. An opportunity for this seemed to offer itself in 1700, when Louis XIV accepted the Spanish inheritance for his grandson, Philip of Anjou. Faced with this overwhelming concentration of power in the hands of the house of Bourbon, Portugal could only hope to evade an inevitably disastrous quarrel by submission. On 18 June, 1701, Pedro II concluded a treaty with France by which he not only recognised Philip V as King of Spain but also pledged himself to defend his rights to the undivided Spanish inheritance. This treaty became a serious obstacle to England, when that country, exasperated by Louis XIV's virtual occupation of the Spanish Netherlands and by his recognition of the Pretender, joined Austria and the Dutch Republic in a Grand Alliance, whose object was to compel by force a

partition of the Spanish inheritance. In the recent war England had learnt the lesson that maritime power in the Mediterranean might produce invaluable results. But for the exercise of that power the possession or control of a harbour in the neighbourhood was imperatively needed. England had abandoned Tangier, and did not yet hold Gibraltar or Port Mahon. Therefore the only available harbour was that of Lisbon, which had served English purposes in the late war. But if Portugal adhered to the French treaty, and if, as seemed probable under the terms of that treaty, the Tagus was blocked by a French fleet, Lisbon would be closed to English ships.

In 1702 the English ministers decided to send John Methuen, who had been envoy at Lisbon from 1692–6, to rejoin his son Paul with a peremptory demand that the English fleet should have free admission to all Portuguese ports. He was further instructed to urge Portugal to join the Grand Alliance, the proffered bribe being an extension of frontier at the expense of Spain. If the answer to the first request was unsatisfactory, John Methuen was to return at once by the ship which took him out. In view of his previous experience of Lisbon, one of John Methuen's threats is of interest. He declared that if he failed to obtain the desired terms, he would "call the merchants together and advise them to retire themselves and their estates from hence to England very quickly." This he thought would have the desired effect, or if not, "it would cause the whole people of this citty to fall upon the ministers who have advised the allyance with France." [1] But neither this threat nor the lightning mission of the Ambassador [2] could induce the Portuguese King to risk

[1] John Methuen to Nottingham, 19 May (o.s.), 1702, in B.M. Add. MSS. 29590, fo. 29. Paul Methuen, after his father's departure, employed the same threat, and had the same confidence in its efficacy. "The people of this country would be strangely concerned, it being impossible for them to subsist without the English and Dutch trade" (*ibid.*, fo. 62).

[2] He was commissioned as Ambassador, but did not consider it politic to assume the character.

a rupture with France until he had adequate assurance that the allies both could and would protect him from French wrath. John Methuen stayed for a full month and then returned empty-handed in the man-of-war that had brought him to Lisbon. But on 10 August, having in the meantime hurried on the departure of Sir George Rooke's fleet to attack Cadiz, he returned to Lisbon to resume the negotiation.

During this second visit, John Methuen was less imperative than he had been before, but he still threatened immediate departure from time to time as a means of forcing the King and ministers to come to a speedy decision.[1] He was now prepared to offer in return for adhesion to the Grand Alliance, not only territorial expansion, but also a defensive alliance with the Maritime Powers as a security against France. Rooke's failure before Cadiz was a serious setback for Methuen, but an unexpected success at Vigo was some compensation. In the end he succeeded in inducing the King to repudiate the French treaty, on the pretext that Louis XIV had not fulfilled the conditions, but he had difficulty in reducing the Portuguese demands for territory to such reasonable limits that the Emperor, acting for his son the Archduke Charles, would accept them. To hustle matters John Methuen made another dramatic departure on 11 April, 1703, and left it to his son Paul to sign the two treaties on 16 May.[2]

By far the more important of the two treaties was the offensive one, by which Portugal recognised the Archduke as Charles III of Spain, and promised, in return for due concessions, to assist him in enforcing his claim. As

[1] For this reason he again abstained from presenting his credentials as Ambassador.

[2] Dr. D. B. Horn, one of the most accurate of men, has failed to trace fully John Methuen's jack-in-the-box entrances to and departures from Lisbon in 1702–3. In his *British Diplomatic Agents*, 1689–1789, he says that "there is some evidence that he may have been at Lisbon for a short time from April, 1702," and he omits altogether his visit from 10 August, 1702, to 11 April, 1703. The exact dates of his previous visit are 8 May–10 June, 1702.

Portugal dared not risk having a hostile Spain on the other side of its frontier, this treaty contained the vital provision that no peace should be made by the allies until Philip V had been expelled from the Spanish throne. This was a complete alteration and a serious expansion of the aims of the Grand Alliance, which had hitherto avowed no other object than a suitable partition of the Spanish inheritance. The war was now brought into the heart of the Peninsula, and the dependence of Portugal upon her great maritime ally was enormously increased. But the treaty itself was purely political and had nothing to do with commerce. Also it expired with the termination of the war which had given occasion for it.

The defensive alliance, concluded with the Maritime Powers and not with Austria, was in its essence equally political. But it contained one clause which is strictly relevant to our subject, and which illustrates very clearly the strong bargaining position which Portugal held at the moment in 1703. The allies needed the assistance of Portugal, and Pedro II demanded a *quid pro quo*. From Austria he demanded the cession of Spanish territory not yet acquired ; and from the Maritime Powers he demanded, not merely the assurance of protection, but also a recognition of that commercial equality which had been evasively conceded by England in the Treaties of 1642 and 1654. Article 15 declares that " the personal privileges and freedom of trade which the subjects of Great Britain and the States of the United Provinces at present enjoy in Portugal, the Portuguese shall, in their turn, enjoy in the dominions of Great Britain and the States of the United Provinces." [1] This clause, to which the Methuens probably attached little importance, was speedily forgotten in England,[2] but it was cherished in Portugal, and was destined to reappear in later controversies.

John Methuen made his fourth return to Lisbon on 17 September, 1703, this time with the rank of Ambassador,

[1] Chalmers, *u.s.*, II., p. 302.

[2] See below, p. 241.

which he had not previously assumed, as the absence of any definite character made it easier for him to time his demonstrative departures. His business now was to see that the offensive treaty was duly carried out and to superintend the Portuguese preparations for a joint allied invasion of Spain. But he discovered on his return that the Portuguese King and ministers were eager for a commercial deal. During the previous war the normal supply of French wines to England had been cut off, and in consequence there had been an increased demand for the wines of Portugal. There was now a strong desire at Lisbon and Oporto to secure a permanent hold upon the English market, and the government was prepared to purchase this by removing the embargo on the import of English cloth. Methuen had no instructions on this subject, but the bargain seemed to be so obviously advantageous that he determined to take the responsibility of concluding it. The terms were so simple that there was no difficulty about drafting them, and on 27 December, 1703, John Methuen signed the shortest and most easily comprehensible commercial treaty on record. It contained only two vital clauses. By the first English cloth and all woollen goods were to be admitted on the old terms, and by the second Portuguese wines were to pay on entry into England one-third less duty than was levied on the wines of France. Methuen's action in signing the treaty was cordially approved by ministers, Parliament, and public opinion, and it was promptly ratified. With its conclusion the history of major mercantile negotiations between England and Portugal came to an end. Later disputes were concerned, not with the making of treaties, but with the interpretation and observance of those already made.

Pedro II, in whose reign the Methuen treaties were concluded, died in 1706 at a critical period in the war, and was succeeded by John V, the most sluggish and the most superstitious of Portuguese rulers. The young King bound himself still more closely to the Grand Alliance by

marrying in 1708 a sister of the Archduke Charles, but his loyalty met with scanty reward. The steadfastness of Castile turned the scale in the Peninsula against the allies, and the accession of the Archduke in 1711 to the Austrian dominions and the imperial throne made it no longer desirable to give him in addition the Crown of Spain. John V was impotent to avert the settlement at Utrecht, when England fixed the terms of peace between Portugal and Spain without much regard to previous assurances. Not only did the Portuguese King fail to get any additional territory, but his enemy, Philip V, was left in possession of Spain and the Spanish colonies. This had the effect of increasing the dependence of Portugal upon England and of diminishing all hope of throwing off the English yoke. So complete did Portuguese subservience become, that at the close of the reign of John V the future Marquis of Pombal could write: "Portugal was powerless and without vigour, and all her movements were regulated by the desires of England." [1]

Pombal's statements, designed to justify his own administration, contain a certain amount of truth, but with an admixture of rhetorical exaggeration. John V was not quite so submissive to England as he is often represented. He maintained the English alliance, but he refused to allow it to draw Portugal into the successive quarrels of England with Spain. He persisted in neutrality during the war provoked by the measures of Elizabeth Farnese and Alberoni, during the subsequent quarrel brought about by the intrigues of Ripperda at Vienna, and during the

[1] Quoted by John Smith in his *Memoirs of the Marquis of Pombal* (London, 1843), I., p. 86. For other denunciations of English domination by Pombal see *ibid.*, pp. 114–22. Schäfer (*Gesch. von Portugal*, V., 490–4) has copied these denunciations from Smith. Smith's book is for the most part an uncritical eulogy of Pombal, but it is still useful for its numerous quotations from contemporary sources. A second edition of the book, in one volume and with some verbal and other changes, appeared in 1871, by which time the author had dropped the name of John Smith and had become the Conde da Carnota. The first edition is the better of the two, but both want an index.

more serious and prolonged war which is called after Jenkins's ear. He carried his independence still further when in 1729 he sought reconciliation with Spain by the double marriage of his daughter Barbara to the future Ferdinand VI, and of his eldest son, Joseph, to the eldest daughter of Philip V and Elizabeth Farnese. John V is entitled to the credit of having given to his country the inestimable boon of prolonged peace. It may be questioned whether Portugal was really happier or more prosperous under the flamboyant administration of Pombal which followed his death in 1750.

Looking back over the century which we have cursorily surveyed, it may be said that the "golden age" of English trade with Portugal began with the recognition of Portuguese independence in 1668 and lasted till the death of John V. It was very literally a "golden" age, because the supreme attraction of the trade to Englishmen was that it gave them a substantial share of the gold which Portugal drew from Brazil. English envoys at Lisbon always chronicle with complacency the arrival of the treasure fleet from Rio. It was in this period that the English Factory at Lisbon, with its younger and smaller fellow at Oporto, acquired its peculiar organisation and privileges. The only rivals competing with the English traders were the Dutch, the Hamburghers, and the French. The last, who might with any luck have been formidable competitors, were always handicapped by the fact that France had no commercial treaty with Portugal.[1] The Dutch, who in the earlier part of the century had taken advantage of Portugal's difficulties to raid her colonies and at one time had been masters of Brazil, were never popular at Lisbon, and the Hamburghers had no powerful state at their back.

[1] Pombal subsequently asserted that, on his return from the Portuguese legation in England in 1745, he prevented the conclusion of a commercial treaty arranged by Cardinal Motta and Chavigny. See a very interesting report by Lord Kinnoull of a conversation with Pombal in a letter to Pitt of 11 October, 1760 (S.P., Portugal, 53).

There was nothing novel or startling in the establishment of a Mercantile Factory or Depot in a foreign port. In the Middle Ages associations or *hansas* of merchants had frequently acquired warehouses and lodgings in foreign towns, and had built up a corporate organisation for the defence of common interests.[1] The amalgamation of many such associations of German merchants had led to the formation of the famous Hanseatic League. But the conditions which had necessitated and favoured these *hansas* in the past had largely disappeared by the seventeenth century. Piracy had been almost entirely suppressed in European waters except within striking distance of Algiers, and the newly formed national states with efficient central governments were not likely to welcome within their borders autonomous alien organisations, absorbed in the promotion of alien interests, and looking for support to the alien government to which their members still owed allegiance in spite of their residence on foreign soil. It was only in a comparatively weak state, dependent upon the support of its allies, that such Factories as those of Lisbon and Oporto were likely to be tolerated. A similar Factory at Cadiz, where the members were largely Irish Roman Catholics, was allowed to grow up in the reign of the feeble Charles II of Spain, who found himself compelled by the hostility of France to make unpopular concessions to the subjects of the English Crown. But in Cadiz there was constant pressure, not ventured upon at Lisbon, to induce the foreign traders to become naturalised Spaniards.

There are many things which I should like to know about the Lisbon Factory, but I must leave most of them to the more youthful student whom I hope to inspire. I doubt whether it is possible to ascertain a precise date of

[1] A comparison has also been suggested with the organisation of the Staplers at Calais in the fifteenth century, which is described in *The Cely Papers* (Camden Society, Third Series, 1900), but the differences are obvious. Calais was not a foreign town, but subject to the English King, the Staple was a statutory institution, and the conduct of the merchants was supervised by royal commissioners.

origin, as it was probably a gradual growth. Was it a survival or a revival of a medieval organisation? What were the conditions of admission? Was it open to all merchants who traded in Lisbon, or was it in any way an exclusive corporation? It is clear that it did not include all British residents in the city, because twenty-nine male British residents perished in the earthquake of 1755, and only two of them are recorded as having belonged to the Factory.[1] It is clear that it was recognised and approved by the home government, but did it receive any specific authorisation, or was it merely used because it was there? These are only samples of the problems which require elucidation.

What I do know is that the Factory was fully fledged in the eighteenth century, that many of its members were extremely prosperous,[2] that some of them had concessions in Spain as well as in Portugal, that most of them had extensive interests in the South American trade, that several firms had branches in London, and that all members were extremely sensitive to anything that threatened to curtail the extensive privileges, both personal and commercial, which they had acquired under their *Magna Carta*, the Treaty of 1654. The Factory had its own by-laws and customs; it had acquired a burial-ground, a chapel, and a chaplain; it levied a small duty upon cargoes imported from England, and appointed a treasurer to administer the fund thus raised for the benefit of distressed seamen. It had also a hospital of its own. The existence of the Factory was fully recognised by the Portuguese government, which frequently received from it complaints as to the infringement of personal liberties or remonstrances against royal edicts which curtailed in any way the freedom of trade. A very careful watch was kept on the doings of the customs-

[1] Of the forty-nine British women who perished, only two, Mrs. Hake and Mrs. Perochon, belonged to the Factory families.

[2] Tyrawly wrote to Newcastle on 16 April, 1752 (S.P., Portugal, 48): "A great body of his Majesty's subjects reside at Lisbon, rich, opulent, and every day increasing their fortunes and enlarging their dealings."

house officials, and of the Senate, which was the exalted name of the Lisbon municipal council. The Factory held regular meetings and could be specially convened in an emergency. Its presiding officer was the British Consul-General, who had originally been chosen by the merchants but had come in the seventeenth century to be a nominee of the Crown. The Consul was the mouthpiece of the Factory in all dealings with Portuguese authorities. In disputes which raised political issues recourse was had to the British Minister at Lisbon. If both Consul and Minister failed to obtain redress, the Factory did not hesitate to appeal directly to the Secretary of State at Whitehall. There are plenty of such appeals in the State Papers at the Record Office, and the signatures to them are the best guide to the *personnel* of the Factory. These appeals, especially when backed by the numerous London firms which had an interest in the Lisbon trade, carried great weight with the English ministry, and notably so with a Whig ministry, which based its stability very largely upon mercantile support.

It is obvious that the efficiency and success of the Factory depended very much upon the personality of the Consul-General. Hardly second in importance was the Judge Conservator, the important official who had been definitely conceded by the Treaty of 1654.[1] By the

[1] It is frequently stated that the Judge Conservator was instituted by this treaty. But the treaty of 1642 also mentions a Conservator (Art. 9), so that the office must have had an earlier origin. But 1654, or rather the edict of John IV in 1656, may be taken as marking the first complete recognition of the Judge Conservator and his functions. A representation of British merchants to Pitt (dated London, 12 July, 1758, and bound up in S.P., Portugal, 51) states that the Judge Conservator was granted to the English four hundred years ago, and gives an interesting summary of his functions. "The *Judge Conservator* is chosen from among the Portuguese Judges and paid by the *British Factory*. He constitutes a peculiar court of his own, and has a right *prior to all other Courts* to bring before him in the first instance, and to determine in a *judicial capacity*, all causes, disputes and contracts wherein the *English* are in any way concerned. No British subjects, nor any thing belonging to them, can be seized or molested *without an order from the Judge Con-*

eighteenth century custom had placed his nomination in the hands of the Factory, though it required confirmation by the Portuguese King. The nomination was normally for a term of three years, but the tenure could be extended by royal licence. As the office was fairly lucrative by the modest Portuguese standard of those days—it was reckoned to bring in on an average £300 a year—it was eagerly sought by Portuguese lawyers, and there was considerable canvassing whenever a vacancy occurred. It was necessary to have a native lawyer, because he often had to deal with the law-courts of the country, but this involved certain risks. No privilege of the foreign residents excited more ill-will than their exemption from ordinary jurisdiction, and a Judge Conservator was not always free from the prejudices of his countrymen. Also, if royal favour seemed to give security of tenure, and if the holder of the office had ambition to rise in the political service of Portugal, he might seek to curry favour with ministers by betraying the interests of his English employers. One of the few troubles that arose in the quiescent reign of John V had its origin in conditions of this kind. A certain Quintilla had been appointed in 1737 when Lord Tyrawly was British Envoy at Lisbon. His tenure had been prolonged by the Crown for twelve years, he was well regarded by the native ministers, and he had political ambitions. The English merchants discovered with disgust that the official who was paid to defend their immunities was doing just the opposite. Not only did the Judge Conservator decide several lawsuits in favour of the Portuguese litigants, but in 1749 he went so far as to order the arrest of Captain Stepney, the commander of H.M.S. *Lichfield*, who was charged with harbouring escaped slaves. This brought matters to a

servator. He is the preserver and protector of all their rights and privileges of every kind, and whenever they are aggrieved, is obliged, on application to him, to get them redressed." In a memorial presented to Luis da Cunha in 1760 Lord Kinnoull quotes a number of royal edicts about the Judge Conservator which go back to the beginning of the fifteenth century (S.P., Portugal, 53).

crisis, and the Factory imperiously demanded Quintilla's dismissal. The demand was supported by the Duke of Bedford, the Secretary of State, who wrote from Whitehall that Stepney's arrest and the searching of a King's ship were deadly insults.[1] The task of putting pressure on the Portuguese ministers devolved upon the Consul, Abraham Castres, who was in charge of the embassy after Keene's departure to Madrid, and who was promoted to be Envoy during the course of the quarrel. For a long time there was a deadlock, as Quintilla refused to resign, and the Portuguese ministry (the King at the time was imbecile) refused to dismiss him. In the end the Secretary of State, Azevedo, gave way as usual, and Quintilla was removed from office, not as amends for the insult to England, but simply because he had lost the confidence of the Factory.[2]

This quarrel about Quintilla was quite exceptional, and for a long time beforehand the Factory had enjoyed its privileges without any serious dispute. When Benjamin Keene in 1745 had the offer of the Lisbon Embassy in exchange for his post in the civil service at home, he had eagerly accepted it, not because it was a post of great moment, but because Lisbon was in his eyes a haven of rest. This, however, it completely ceased to be in 1750, when, with the accession of Dom Joseph, the long ministry began of Sebastian Joseph de Carvalho e Mello, later successively raised to be Count d'Oeyras and Marquis of Pombal. For convenience I will by anticipation employ his familiar title. It is important to remember that from 1738 to 1745 Pombal had been Portuguese Envoy in London. While there he had been profoundly impressed by the obvious and gross inequality between the privileges enjoyed by English residents in Portugal and those conceded to Portuguese residents in England. He had never

[1] Bedford to Castres, 13 June, 1749, in Foreign Entry Book, 116.

[2] The correspondence about Quintilla and Stepney is to be found in S.P., Portugal, 47.

concealed his conviction that this was a breach of the treaties between the two countries, and especially of Article 15 of the defensive treaty of 1703.[1] He was wholly unconvinced by the contention of the Duke of Newcastle that a despotic government was bound by the letter of treaties, whereas a parliamentary government might be compelled to depart from, or at least to modify, their terms.[2] Pombal's future economic policy was largely influenced by his experience in England, and it is not too much to say that throughout his ministerial career he had two great obsessions. One was the iniquities of the Jesuits, whose "hidden hand" he saw everywhere. The other was the determination that, if he could not procure greater privileges for the Portuguese in England, he would certainly redress the glaring inequality by curtailing those of the English in Portugal. The only restraint upon his anti-British policy [3] was the conviction, brought home to him by the war with Spain in 1762, that Portugal was still in dire need of the English alliance. No friction with England—and there was plenty—could drive him into the arms of the Family Compact.

When in 1750 Pombal was a candidate for office and

[1] See above, p. 220.

[2] Newcastle's private letter to Tyrawly of 20 November, 1739 (S.P., Portugal, 40), in which he describes his discussion with Carvalho (Pombal), is well worth reading as a sample of Newcastle's rather ingenuous ingenuity. The gist of his arguments is that the terms of a treaty can only be interpreted in reference to the constitution of the contracting states.

[3] When Carvalho left England in 1745, there was some friction about the customary present to a departing Envoy. His predecessor, Azevedo, leaving in 1738, had been offered £300, but had demanded £500 on the ground that the representatives of France and Spain received the latter sum, and in the end had received it. Carvalho seven years later had the same offer and made the same demand. But Henry Pelham would not grant it, and would not take the hint that the present might be given in another form than money. So Carvalho departed without any present, and this was supposed to rankle in his mind and to account for his anti-English bias. But diplomatists are apt to exaggerate grievances of this nature, and they probably did so in this case. Of course, Pombal's policy, though influenced by his attitude towards England, was not dictated by it. He had a genuine desire to increase Portuguese autonomy by making his country as self-sufficient as possible.

his success was still doubtful, Castres wrote to Andrew Stone that, if he was appointed, "our nation will have no great reason to rejoice at his promotion."[1] Keene, who had a far stronger antipathy, urged Castres to do all in his power to prevent so disastrous an appointment. These forecasts were very largely fulfilled, and during Pombal's administration the Factory had to fight almost continuously in defence of privileges which for a long time had been hardly questioned. I have neither time nor inclination to narrate the contest in detail, and I can only pick out a few salient episodes.

The first occurred while Castres was absent in England. He had nine months' leave of absence on the score of ill-health, and while he was away, from July, 1751, to April, 1752, the charge of affairs was entrusted to John Russell, who had succeeded Castres as Consul-General and was not particularly efficient in any capacity. Pombal had always one rod with which he could threaten the English traders. This was the long obsolete but never repealed edict of Alfonso IV, which forbade the export of gold and silver on penalty of death and confiscation. It was notorious and inevitable that, with a permanently adverse balance of trade, Portugal must purchase many English goods with specie, and this money, not being spent in the country, must be carried out of it. But no treaty had ever dealt with this delicate matter, and meanwhile the law remained. On 19 January, 1752, some gold belonging to the important firm of the Burrells was seized by the revenue officials and confiscated by a Portuguese Court. At the same time the Factory was involved in a dispute about the election of a new Judge Conservator. Determined not to have another Quintilla, the members, before electing a successor, resolved to impose serious restrictions upon him. The King of Portugal (which means Pombal), disapproving of these restrictions, refused to accept the Factory's nominee. As Consul Russell died in January, 1752, appeal was made

[1] Castres to Stone, 19 June, 1750, in S.P., Portugal, 47.

to London, where a prominent Lisbon merchant, John Bristow, whose uncle was Deputy-Chairman of the South Sea Company, pulled the usual strings. Newcastle, always extremely sensitive to this sort of pressure, took the strong step of sending out Lord Tyrawly, a rather swashbuckling cavalry officer, who had been British Envoy at Lisbon for thirteen years (1728–41), had posed there as a sort of dictator, and was certainly the father of several illegitimate children. So when Castres returned to his post in April, 1752, he was accompanied, and for the moment virtually superseded, by the senior diplomatist.

Tyrawly's trenchant letters from Lisbon are, like all he wrote, very good reading. He was obviously rather annoyed that a man of his eminence should have been sent out to deal with what he regarded as a trumpery dispute. The seizure of gold was the sort of thing that must occasionally occur when you have an unrepealed law and zealous officers in the customs house. It would, he thought, be quite easy to have the law revoked, but this the Factory did not desire, as the members found it more profitable to break it. As matters stood, they had so much preponderance in shipping that the other alien traders, French, Dutch, Hamburghers and Italians, were in the habit of handing their gold over to the English merchants and taking their bills in exchange, so that there was a double profit. The Burrells, he said, had made no complaint about the seizure of their gold, and were quite content to procure its return by legal process.[1] The man who had made all the disturbance was John Bristow, who believed himself, without any reason, to have incurred the special enmity of the Portuguese government for his prominence in the quarrel about the Judge Conservator. As for that dispute Tyrawly boasted that he had settled it offhand. He and Castres had convened a meeting of the Factory, and had induced them to withdraw or modify

[1] Castres reported to Holderness on 12 February, 1753, that the Burrells had recovered their money, see below, p. 239.

the conditions imposed upon the new official. They had then elected the same man as before, and the King had promptly accepted him. So Tyrawly concluded by demanding an immediate recall.[1]

Russell's successor in the Lisbon Consulship was a certain George Crowle, a former M.P., whose political services were rewarded, as was common in those days, by giving him a post for which he had no particular qualification. Crowle, who had obviously a hasty temper and no small sense of his own importance, was destined to be the centre of a prolonged and rather venomous quarrel. For three years (1751–3) the whole peninsula, and especially Spain, suffered from a prolonged drought. Both countries were threatened with famine, and both became more than ever dependent upon foreign supplies of food. Pombal, eager to avert a famine, and afraid that the high prices in Spain might induce importers of corn to Lisbon to send their cargoes across the frontier, sought in 1753 to enforce a careful record of all imports and to regulate the retail trade in a way that would ensure that the imported corn should be sold in Portugal. The export of corn by sea or land was strictly forbidden. The Factory at once took up arms. Technically they were in the right, because the new regulations were an obvious breach of the terms of the treaty of 1654 as they seriously curtailed the freedom of sale which that treaty assured to them. But Pombal's defence was that these were emergency regulations, and that no treaty could bind a state on the verge of famine. The members of the Factory, distrusting Pombal, and convinced that their privileges, if once abandoned, would never be restored, refused to listen to these arguments, and called upon Crowle and Castres to stand up for English rights. As it happened, both the Consul and the Envoy were inclined to sympathise with the Portuguese minister, and to

[1] Tyrawly's racy letters are in S.P., Portugal, 48. He had none of the caution of the normal diplomatist, and was always quite frank and outspoken.

think it impolitic in a time of crisis to insist upon the literal enforcement of treaty rights. And it is clear that Crowle, who had not made himself popular at Lisbon, was disposed to resent the attitude of many members of the Factory, who seemed to regard him merely as their executive officer, as if they, and not the Crown, appointed and paid him. The indignation of the Factory, when they found that they could only get lukewarm support from their natural champions, was intense.

They promptly petitioned Lord Holderness, who had succeeded Bedford as Southern Secretary, and they employed a paid agent in London to support their cause. The first petition was a statement of their grievances, but the second contained a direct attack upon Crowle. Meanwhile Crowle had come into open collision with the Factory. At one meeting, when Crowle was as usual in the chair, very bitter attacks were made on his conduct. The most outspoken denunciation came from a certain William Shirley. Crowle, who had completely lost his temper, complained of Shirley's language to the Judge Conservator, and he, by the King's command, proceeded to take depositions from members of the Factory. The result was the issue of a royal edict banishing Shirley from Lisbon within twenty-four hours and from Portugal within five days. This was to pour oil on the flames. The Factory discovered that their official head had gone to a Portuguese officer and had thus induced the Portuguese government, without any pretence of judicial process and without the slightest regard to English immunities, to inflict a severe punishment upon a British subject. Their appeals to Holderness became more impassioned than ever, and they did not hesitate to demand that Crowle should be recalled. They would have been still more angry if they had known that Castres, who would have to carry out any instructions that Holderness might be induced to send, was inclined to welcome the exile of Shirley, whom he described in letters to the Foreign Office as a *cerveau brulé*, and he added

that *morta la bestia morto il veleno.*[1] Meanwhile the ministers in London were thoroughly alarmed by the outcry from Lisbon. To placate the infuriated Factory, Crowle was recalled from Lisbon in 1754,[2] and Castres came within measurable distance of sharing the same fate. This was averted by the intervention of his friend, Benjamin Keene, who was constantly consulted upon Portuguese affairs by both Newcastle and the Southern Secretary, but Castres had the humiliation of being ordered to go to Pombal and to demand the revocation of Shirley's banishment. The Portuguese minister, rather maliciously pleased at these quarrels among his opponents, replied that he had only tried to punish an insult to an English official, and that, if England did not desire the insult to be punished, he had no reason to insist upon it. But Shirley's return did nothing to settle the dispute about the sale of corn, and Castres had great difficulty in procuring such a modification of the edicts as removed the chief grievances of the Factory. The same problem recurred in later years and was indeed inevitable, because it was impossible to regulate domestic trade without infringing the very extensive provisions of the Treaty of 1654.[3] Pombal hotly pointed out that the English reading of this treaty would make the foreigners better off than the natives, and Castres complacently admitted that this was true of the English.

[1] These letters were not official despatches to the Secretary of State, but were written to Claudius Amyand, the Under-Secretary in the southern department. As the letters are kept in the State Papers and are not labelled "private," it is almost certain that Amyand showed them to his chief.

[2] The unfortunate Crowle died on 22 June, 1754, before he could leave Lisbon.

[3] The article of the Treaty upon which the English case rested was the 10th, which runs: "The people of this Republic may freely import arms, corn, fish, and all other sorts of merchandise, into the kingdom, ports and territories of the King of Portugal, and sell the same at pleasure, either in parcels, or in bulk, to whatever chapman and for whatever price they can get; and shall not be prohibited, circumscribed, or restrained by his said Royal Majesty, or his ministers, governors, farmers of the customs, or monopolists, or by any chamber or jurisdiction whatsoever, of any court, public or private."

Pombal was so angry at this assertion that he instructed Dom Luis da Cunha, the Portuguese Envoy in London, to present a formal complaint against Castres.[1] Probably this charge helped to save the British Envoy, as it counterbalanced the previous accusation that he was neglectful of English interests.

In 1755 Lisbon was almost destroyed by the great earthquake and the subsequent fires. The tragedy extorted from the English Parliament a grant of £100,000, a striking proof of English interest in Portugal. There can be no doubt that the disaster inflicted severe losses on the Factory.[2] The actual loss of British lives was indeed comparatively small. Castres and his household escaped practically unhurt, though the belief in his death was so prevalent in London that a successor was hurriedly selected to take his place. And, as I said before, only two of the prominent English merchants (an old Casamajor and a young Churchill) perished in the disaster. But the destruction of property, especially in the neighbourhood of the Tagus, was immense, and still more serious was the inability to obtain payment from Portuguese debtors.[3] For many years every lawsuit for the collection of debts was met by the defence that the losses in the earthquake rendered payment impossible. It is not too much to say that the Factory never recovered after 1755 its previous prosperity.

[1] Keene, who was consulted about this, said that it was quite true that the English traders were better off than the Portuguese, and that he had frequently made this assertion when he was at Lisbon.

[2] Castres to Richardson, 19 November, 1755 (S.P., Portugal, 50): "Our poor Factory, from a very opulent one, is totally ruined, at least for the major part."

[3] It might be thought that these debts would be counterbalanced by those owed by the natives to British creditors. But it was a peculiarity of Portuguese trade that the native traders, while insisting upon long credit from sellers, gave none to buyers, and demanded ready-money payments. "The Portuguese do not trust, which in a long course of business is a considerable advantage this nation has over us in proportion to their trade with us and ours with them" (Hay to H. Fox, 11 February, 1756, in S.P., Portugal, 50). I have found several references to this curious inequality in Anglo-Portuguese trade.

Indirectly the earthquake gave rise to two quarrels between the Factory and the Portuguese administration. Among the buildings destroyed was the customs house, and the Portuguese merchants offered as a *don gratuit* to pay for the construction of a new customs house a duty of four per cent. on all cargoes entering Lisbon other than foodstuffs. The Factory objected to this charge on the ground that, in the case of many articles, it would raise the whole duty above the limit of 23 per cent. fixed by the secret article of the Treaty of 1654. This seemed to the sensitive Portuguese a churlish contention, and it did a good deal to diminish the gratitude evoked by the liberality of Parliament. As a matter of fact, the Factory did not refuse to pay the duty, but they continued to regard it as a grievance, and it figures in all the complaints urged by England in subsequent controversies with Pombal.

With the customs house perished the old valuation lists, and it was necessary to draw up new ones. This gave rise to a more serious grievance. By the secret article any change in valuation was to be made by negotiation with representatives of the English merchants. This was now disregarded, and the Factory loudly complained that the new valuations were oppressively damaging to English trade. As there took place from this time onward a serious diminution of English exports to Portugal,[1] and as the Factory insisted upon attributing this to Portuguese regulations, every complaint of the Factory was pressed to the utmost in London. Pombal's invariable answer was that the decline of trade was due to the earthquake and to the machinations of the Jesuits. Nothing infuriated the English ministers more than this persistent habit, which grew upon Pombal, of attributing all contemporary mischief to the Jesuits, who, Shelburne rather acridly commented, "are

[1] Lyttelton maintained that the fall of British exports in 1758–65 as compared with the previous seven years amounted to two millions sterling. This is in the summary of English grievances which he presented to Pombal at their first interview in April, 1768.

as much an object of contempt in this country as they may be of terror in Portugal." [1]

I have narrated certain personal episodes which concerned the interests of the Factory: Captain Stepney and Judge Conservator Quintilla, and Consul Crowle and William Shirley. There is one other personal affair to which I should like to call attention, and that is the case of Humphrey Bunster. I own that at the outset it was the name rather than the importance of the man that fascinated me. So I set to work to track him through the volumes of State Papers, and discovered, with some pleasure, that at one time his case came into exceptional prominence, and that Humphrey Bunster must have been a household word in the British circles at Lisbon. The actual event took place in May, 1755, before the earthquake, when Humphrey Bunster, an officer in the Falmouth packet-boat *Hanover*, while walking along the quay by the Tagus, was set upon by tobacco guards and relieved of four parcels of Portuguese coin, on the ground that he intended to carry them to his ship. Of course everybody knew that that was his intention, but this did not in the least temper the wrath of the merchants, who loudly contended that it was illegal to seize money in the street, and that any one of themselves, when engaged in everyday business, might be subjected to a similar outrage. First the Consul, Edward Hay (Crowle's successor), and then Castres, was impelled to go to Pombal and demand restitution of the money. Pombal's reply was that the matter must be thrashed out in the appropriate court, and that, if the seizure was decided to be illegal, restitution would follow. There the matter rested for two years and a half. The Factory resolved that, as there were several owners of the money, including the Burrell firm which had been concerned in the previous seizure, the suit should be instituted in the name of Humphrey Bunster, and they were quite confident that he would be successful. The worst that could happen was the inevit-

[1] Shelburne to Lyttelton (secret), 3 May, 1768, in S.P., Portugal, 65.

able Portuguese delay, but the money was sure to come back, as it had done in 1752 after Lord Tyrawly's visit.

In the meantime a series of events occurred, which distracted attention from the pending lawsuit. In November came the earthquake and the fire, then all the excitement about the outbreak of war with France and the loss of Minorca. Pombal began his sensational quarrel with the Jesuits, and all the time he kept on issuing exasperating edicts, and founding a number of exclusive companies, each with a Judge Conservator of its own. In May, 1757, Castres died, and in June Edward Hay was promoted to be British Envoy in his place.[1] Humphrey Bunster seemed to be completely forgotten. I read acres of despatches and of memorials from the Factory to the Secretary of State denouncing the wholesale curtailment of their privileges, and not a mention could I find of his name. It was not till December, 1757, that his case came up for decision, and on the 26th, to the discomfiture of the astounded Factory, the court declared the seizure to be lawful, confiscated the money, valued at £1,600 sterling, and divided it equally between the Crown and the informers. An appeal was promptly carried to a higher court, but the original decision was confirmed on 24 March, 1758. The grounds of the decision were clearly stated. The plaintiff was a sailor, who might well have had English money on him, but could have no legitimate use for large sums of Portuguese coin, obviously done up in parcels for convenience of transport. In these circumstances it made little difference whether at the moment he was walking by the quay-side, as the informers testified, or, as he and his witnesses asserted, in the middle of the road.[2]

Faced with this double decision, the Factory drew up a strongly worded memorial to William Pitt, now the

[1] The frequency with which Consuls were promoted to be Envoys at Lisbon (Compton, Castres, Hay in rapid succession) shows that British ministers regarded commercial as more important than political relations with Portugal.

[2] A translation of the terms of the judgment is in S.P., Portugal, 51.

omnipotent Southern Secretary, pointing out that the records of previous judgments, upon which they had relied, had perished in the old customs house, that therefore the present decision would constitute a binding precedent, and that this "extension" of the law, as they termed it (they said that no money seized on shore had ever been confiscated), would destroy the very basis of the Anglo-Portuguese trade, which had once been so profitable, but was already declining. The lavish reward given to informers would render similar seizures inevitable in the future. Pitt replied that he accepted their reasoning, that he deplored the reversal of the precedent of 1752, and that, following the example of Newcastle in that year, he would send a special Ambassador to demand, among other things, a reversal of the decision in the case of Humphrey Bunster. His choice fell upon the Earl of Kinnoull, the elder brother of Edward Hay, who arrived in Lisbon in March, 1760.[1]

Lord Kinnoull's embassy proved rather disappointing. He was disconcerted to discover, on arriving at Lisbon, that the recovery of the gold in 1752 was the result of an act of grace on the part of the King, extorted by the influence of his mother, an old friend of Lord Tyrawly, and that the judgment in the case had never been revoked. He therefore, when he came to raise the case of Humphrey Bunster, thought it more prudent to ask for a revision rather than a revocation of the sentence. This was cheerfully granted, and the necessary royal order was issued to the supreme court, as the legal limit of time for an appeal had long ago elapsed. The Factory, thinking that the victory had been won, thanked the Ambassador for his efforts, and he quitted Lisbon on 2 November, 1760, with a small ovation. It was, therefore, a great blow to the Factory when in November, 1761, the court adhered to their previous judgment. A renewed agitation was set on

[1] The primary purpose of Kinnoull's mission was to express formal regret for Boscawen's trespass in Portuguese waters during the battle off Lagos in 1759. His instructions are in S.P., Portugal, 52.

foot, but the zeal of the Factory was slightly cooled by the fact that another similar seizure had taken place in 1761, and this time the money had been recovered. Also in 1762 war broke out between England and Spain, Portugal adhered to the English alliance, and Spanish troops invaded Portugal. This was not a propitious time for pressing a judicial dispute, and it was not till peace had been restored in 1763 that it was possible to resume the demand for redress. But the case of Humphrey Bunster was by no means abandoned. It figured among the grievances which W. H. Lyttelton was instructed to press when he succeeded Edward Hay in 1767. But by that time it had been overshadowed by even more pressing problems, and the Portuguese answers to Lyttelton's exhaustive demands show that they had actually forgotten the second decision of the supreme court in 1761. Their narrative of the case stops short at the answer given to Kinnoull.

It is impossible to follow in detail the steady growth of Factory grievances from 1755 down to 1766, when their complaints were submitted for consideration and report to the Board of Trade,[1] and when W. H. Lyttelton was sent out with special instructions to demand redress. Among the most serious measures denounced as breaches of the Treaty of 1654 was the foundation of three exclusive companies for the Brazil trade, and of the famous Wine Company with a monopoly of the manufacture and sale of wines in the upper valley of the Douro. Perhaps the most preposterous edict was that which made the scrip of these companies legal tender.[2] The papers that were exchanged in the course of the prolonged quarrel fill volumes of State Papers in the Public Record Office. The kernel of the

[1] The report of the Board of Trade forms a separate volume (S.P., Portugal, 64) in the Record Office. It is clear that the Board accepted the statements of the Factory without any critical examination. Pombal asserted that both Board and Factory were misled on many points by Jesuit emissaries.

[2] Pombal consented in 1768 to modify this edict so far that foreign merchants should not be compelled to accept this scrip as currency.

controversy is the validity and the interpretation of the Treaty of 1654. I have read several, though not all, of these volumes, and I confess that what interests me most is the underlying contention of Pombal, based mainly upon Article 15 of the defensive treaty of 16 May, 1703, that, by not giving to Portuguese in England the promised equality in trade conditions,[1] England had forfeited her right to her exclusive privileges. It is not a little interesting to find that in their first report the Board of Trade replied that there was no such treaty and therefore no such article. This necessitated a supplementary report in which they admitted that they had possessed no copy of the treaty and had therefore assumed that it was not in existence. They then proceeded to analyse the meaning of the article, and their commentary is not without ingenuity. The treaty, they say, confirms previous treaties, and therefore the article must be interpreted in the light of these treaties. So, if the privileges granted by previous treaties were unequal, this clause, inserted in a defensive and not a commercial treaty, could not make them equal.[2] E.g., did the Portuguese in England ever require or demand a Judge Conservator? Finally they point out that this article—never urged before—is put forward to justify, not the extension of Portuguese privileges in England, but the curtailment of English privileges in Portugal.[3]

This paper has neither beginning nor end: it is merely chapters. Both at Lisbon and at Oporto there exists a British Club, and Lisbon has still an English chaplain, and an English cemetery, where the tomb of Henry Fielding

[1] For the terms of Article 15 see above, p. 220.

[2] Considering that the obvious purpose of obtruding this article into the defensive treaty was to redress the inequality created by the previous commercial treaties (see above, pp. 213–14) this contention was somewhat strained.

[3] The supplementary report of the Board of Trade is in S.P., Portugal, 65. They possessed a copy of the offensive treaty of 16 May, 1703, but had no copy, nor any knowledge, of the second treaty concluded on the same day. This shows how little importance England attached to the second treaty.

attracts many pilgrims. But I doubt whether in either city there is anything that resembles the Factory as I have described it in the eighteenth century. I have stated that I do not know when the Factory began : I must now confess that I do not know when it came to an end. Although Pombal made some concessions to Lyttelton, his disputes with the Factory were not settled during his ministry, nor were they solved by his fall. The French Revolution followed soon after. I imagine that a foreign Factory was not likely to flourish when the principle of nationality was inculcated in Portugal, at first by French example and teaching, and later by repulsion from French domination. Also I imagine that, when Junot was in occupation of Lisbon,[1] and afterwards when the capital was only defended by the lines of Torres Vedras from successive French advances, the Factory must have ceased to function. And I doubt whether Pombal had left it with sufficient vitality to survive or to revive in the troubled times that followed the Peninsular War. But all this is conjecture, and the Royal Historical Society does not exist to chronicle conjectures. I can only conclude, as I began, by expressing the hope that some future inquirer will complete the story of the English Factory at Lisbon.

[1] The French occupation of Lisbon had one disastrous result for the future historian. The Factory archives were sent for security to England, and the ship conveying them went down in the Bay of Biscay.

APPENDIX I

NOTE ON THE METHUEN TREATIES OF 1703

The clause in the offensive treaty of 16 May, 1703, by which no peace was to be made which did not provide for the expulsion of Philip V from Spain, is of such vital importance in the history of the war of the Spanish Succession that it is worth while to quote the words which Paul Methuen wrote about it on the day after the signature of the treaty.

I cannot imagine how Count Wratislaw [the Austrian Minister in England] should come to informe your Lordship that my father would not agree to the article that no peace should be made leaving the Duke of Anjou or any other Prince of the house of Bourbon in Spain, as your Lordship is pleased to mention in your letter of the 13th Aprill. For my father was the first that proposed that article and persuaded the King of Portugal to consent to it. And tho', since my father's departure, the Portuguese ministers have used their utmost endeavours to prevaile with me that the said article should not be mentioned in the Treaty, but contained in a Secret Article, it is what I would never consent to; because it is my opinion that we can never depend safely upon Portugall till we have made this Crowne irreconcilable with France; which I hope will be done by this Article; besides which we have always looked upon this point as very necessary in order to encourage the Spaniards that are discontented with the present Government to throw off the yoke that oppresses them. (Paul Methuen to Nottingham, 17 May (n.s.), 1703, in B.M. Add. MSS. 29590, fo. 262.)

It is not generally known that the initiative in making the famous commercial treaty of 27 December, 1703, was taken by Portugal, and that John Methuen signed it without either instructions or authority. His defence of his action is worth quoting.

The whole Kingdom of Portugall in the raigne of King Charles the Second did generally clothe themselves with the woollen manufactures of England. But upon the raising the dutys on their wines and putting an imposition upon their sugars, the Portuguese, finding

their money exported to England in return for our goods, despairing of ballancing our trade by their wines &c., and considering the quantity of very good wooll which Portugall produces and the convenience of having what wooll they pleased from Spain, they resolved to prohibit the woollen manufactures of England and sett up the same in their Kingdom, where their wooll was very cheap. They began with prohibiting all cloth hats, stockens, and some other sorts, but forbore the prohibition of Bays and the rest till they could attain the making them.

The Portugall manufacturers succeeded very ill in everything but some tolerably coloured cloth very coarse and in coarse hats. So that by this means France had every way the advantage by sending their wines to England and a vast quantity of druggetts and stuffs to Portugal, where they have always been admitted and sold to great advantage, while even our druggetts for being like cloth have been till lately refused, and now but sometimes and with difficulty admitted. The King of Portugal some years since was prevailed on to admitt black cloth, of which very little is worn, and stockens and hatts that were finer than could be made here, but hath always refused to admitt cloth and druggetts, etc., generally, as well to continue their own manufactures as in hopes to gett a certainty of buying all their wines, or at least of taking off the greatest part of the dutys of them, and could never be convinced that it was impossible to make an agreement for the taking off a quantity of their wines at a certain rate.

But, finding now that their wines for severall years sell very dear without any agreement, and that this conjuncture makes them see the want of our cloth in particular, I have been able to obtain this agreement, which they hope will be advantageous enough to make their wines sell in England.

This agreement will have this consequence in Portugal that all their own manufactures, which at this time make a vast quantity of ill cloth and dear, will be immediately laid down and totally discontinued ; and the cloth or stuffs of no other nation will be able to come into competition with those of England, of which the dutys payable here are likewise very advantageously setled by the Treaty of Commerce made with Portugal in the late times [*s.c.* in 1654] and now confirmed by the late treaty of allyance.

The expedient for their satisfaction in their wines seems to me the only one that could be practicable and advantageous to England, in respect that if anything should have been taken off from the dutyes of Portuguese wine, besides the losse to the crown, it would have made a fatall objection in Spain, if they had not been likewise favoured, since that trade stands equally beneficiall to England, Her Majesty by this means being under no restraint at all in respect of the present or future dutyes on Portuguese wines,

so as the duty on French wines be continued one third higher, which as I believe to be of itself a great advantage to England, so I have had the satisfaction to see the Parliament for many years past of that opinion.

I had forgott to mention that this thing will be a very acceptable thing to Spain likewise and a means of obtaining greater advantage in our settlement of commerce with that Kingdom. I beg your Lordship will be pleased to represent to her Majesty's favour the reasons I have had to conclude this agreement. (John Methuen to Nottingham, 26 November/7 December, 1702, in B.M. Add. MSS. 29590, fo. 384.)

The question of the sequence of the three Methuen treaties came into some prominence in subsequent controversies with Pombal. On 13 October, 1768, Lyttelton forwarded to Shelburne a document received from Pombal and entitled "A demonstration of the true state to which at present the observance of treaties between Portugal and England is reduced" (S.P., Portugal, 66). In this it was contended that Portugal had been aggrieved by the heavy duties imposed upon its wines; that this had impelled Portugal to conclude the treaty of 18 June, 1701, with France; and that a promise to redress this grievance (which was done by the commercial treaty of 27 December, 1703) induced Portugal to break this treaty and join the Grand Alliance. In his covering letter Lyttelton corrects Pombal's history, pointing out that the motive for the treaty with France was not irritation at the conduct of England but fear of the Bourbon power; that the adhesion to the Grand Alliance was purchased (1) by a defensive treaty promising security, (2) by large territorial cessions to be made by Spain; and that the commercial treaty of 27 December was the result, not the cause, of this change of policy.

APPENDIX II

NOTE ON ABRAHAM CASTRES

Since the publication of *The Private Correspondence of Sir Benjamin Keene*, thanks very largely to a review of the book by Sir J. C. Squire in the *Sunday Times* of 21 May, a good deal of information has been obtained about Keene's principal correspondent, Abraham Castres, who was Consul-General at Lisbon from 1742 to 1749 and Envoy Extraordinary to the Portuguese court from 1749 till his death on 2 May, 1757. His parents were Huguenot refugees from the town of Castres in Languedoc, from which the husband took the surname which he adopted in exile. On 18 December, 1690, James Glaises, alias Castres, (aged about 36), married Jeanne Cassenave (aged about 19). Both are registered as resident in the parish of St. Martin in the Fields. The eldest child of the marriage was Abraham Castres, who must have been born in 1691 or 1692, so that he was about six years older than Benjamin Keene. A younger child, Susanne, was subsequently married to Jacob Laulhé, a Huguenot settler in Cork. Their daughter, Jane Susannah, became the wife of Richard Kellett of Cork, and from them is descended the family of de Castres Kellett. See *Miscellanea Genealogica et Heraldica*, New Series, Vol. IV, p. 365.

After the death of her first husband, Jeanne Cassenave Castres was married in 1704 to Pierre Rival, a well-known controversial Huguenot minister, who was at one time indicted for heresy. Their daughter, Judith Harriet (the half-sister of Abraham Castres), was married in 1733 to the Rev. Roger Donne, Rector of Catfield, Norfolk (the maternal uncle of William Cowper), and for three successive generations the name of Castres was given to male descendants of the Donne family.

Meanwhile Abraham Castres had been educated at the University of Leyden, where he was entered on 30 October, 1710. As was the case with several others of his compatriots, his linguistic attainments qualified him for secretarial employment in the diplomatic service, in which he earned successive

promotions. That part of his career has been sufficiently described in the Introduction to Keene's *Correspondence*. At Lisbon, where he served for the last fifteen years of his life, he must have found himself in a nest of Huguenot families: Auriols, Perochons, Pratviels, Mallorties, Hoissards, and others (see "Notes on Huguenots in Portugal," by William Page, in *Proceedings of the Huguenot Society of London*, Vol. II, p. 340). In recognition of his services during the Lisbon earthquake in 1755 the British residents in Lisbon gave him his portrait, which was bequeathed to his half-sister, Judith Harriet Donne, and is still in the possession of the Donne family. This portrait was reproduced in *W. B. Donne and his Friends* (edited by Catharine Bodham Johnson and published by Methuen in 1905). Another portrait of Castres as a young man of about thirty is in the possession of the Irish descendants of his sister Susanne. An inscription on the back states that it was painted in Rome in 1722. Castres was in Italy at that time as secretary to Henry Davenant.

Under Castres' will the executors were Peter Laulhé (his nephew) and Peter Calmel. He bequeathed most of his money to his "beloved sister Susanne Laulhé" and her children, £500 to his "beloved half-sister Judith Harriet Donne" and her children, his books and prints to her husband, Roger Donne, and "item to my worthy friend, Sir Benjamin Keene, my four large silver candlesticks made at Paris, together with the Regent's Edition of the Amours of Daphnis and Cloe." Among the minor bequests was one to the French Hospital in London, an institution which has preserved unbroken the tradition of its Huguenot origin. From June, 1751, to April, 1752, Castres was resident in England and during this interval he was elected a Director of the Hospital (*Proceedings of the Huguenot Society of London*, VII, p. 212, and X, 141). This is an interesting proof that, in spite of his long residence abroad, he kept up his connections with his fellow-Huguenots in England.

I am indebted for much of the above information to Mrs. Catharine Bodham Johnson of Norwich, a great-great-granddaughter of Castres' half-sister. I have also consulted the papers recording the genealogical researches of the late Mr. Henry Wagner, which he bequeathed to the French Hospital (Victoria Park Road, E.), and I wish to acknowledge the courtesy with which I was admitted to peruse them.

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REPORT OF THE COUNCIL. SESSION 1931–1932.

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the General Meeting of the Fellows as follows :—

The Council announce with regret the deaths of 17 Fellows during the session. These include Dame Bertha Newall who, as Miss Bertha Phillpotts, held office as a Member of the Council from 1927 to 1930.

The rooms of the Society were used for meetings of the British Archæological Association, the British Record Society, the Canterbury and York Society, the Central London Branch of the Historical Association, the Huguenot Society, the Japan Society, the Jersey Society, the Lingard Society, and the Royal Numismatic Society.

On Wednesday, July 13, the Society gave an afternoon party. By the courteous consent of the Russell Square Commissioners the gardens of the Square were thrown open to the Society and its guests. The Society's manuscripts and seals were on exhibition. There was a large attendance of Fellows and guests.

At the interim Anglo-American Conference held in July, 1932, the Society was represented by the Officers, together with Mr. Charles Johnson, Professor Hilda Johnstone, and the Rev. Canon Claude Jenkins.

Professor R. K. Hannay represented the Society at a conference of the International Federation of University Women held in Edinburgh in August, 1932.

A letter of congratulation and good wishes was sent in November, 1931, to the President of the Academia Dominicana de la Historia, San Domingo, who had written to the Honorary Secretary informing him of the inauguration of the Academy.

At the International Historical Congress to be held at Warsaw in August, 1933, Mr. J. F. Chance, Dr. G. P. Gooch,

and Professor Hilda Johnstone were appointed to represent the Society.

The Library was enriched by many kind gifts from Fellows and others, among whom should be specially mentioned Mr. J. F. Chance and Professor Harold Temperley. Valuable donations were also received from the Corporation of the City of London and the Hertfordshire County Council. A useful bequest of books relating to the French Revolution was made by the late Mr. J. T. Thorp, of Leicester, a Fellow of the Society.

The Society has ceased to exchange publications with the Revue des Etudes Napoléoniennes.

The Tudor volume of the Bibliography of British History was completed by the American Committee responsible for its production and sent to press. It is hoped that it may be issued to subscribers at an early date. On behalf of Fellows of the Royal Historical Society who are not original subscribers, the Council have made arrangements with the Clarendon Press that any Fellow of the Society may, through the office of the Society, procure the volume at two-thirds of the published price. A Committee of the Council appointed to consider the preparation and publication of further volumes of the Bibliography recommended the immediate preparation of a volume covering the period 1715–1789. The Council are taking steps to find an editor and contributors so that this important work may at once be put in hand. The Council find that the original subscriptions paid (1912–1913) will be exhausted by the expenses entailed by the issue of the Stuart volume (issued in 1930) and the Tudor volume (now in the press). For the eighteenth- and nineteenth-century volumes, therefore, further subscriptions will in due course have to be invited.

A motion of the Anglo-American Conference of July, 1931, was laid before the Council at their meeting on February 11, 1932. It was as follows :—

> "That steps be taken towards securing co-operation between historians, geographers and archæologists, especially with regard to local history."

A Committee appointed to consider this motion drew up the following three resolutions which were accepted by the Council and forwarded for the consideration of the interim Anglo-American Conference of July, 1932 :—

1. It is desirable that a Committee should be formed representing students of history, geography and archæology to consider the way in which investigators of local history could best be advised with a view to securing due correlation of the different factors entering into regional studies.

2. That the deliberations of such a Committee might well result in the production of an article or pamphlet giving guidance such as the Committee considers applicable to workers in such fields.

3. It is desirable that the Royal Historical Society should be represented on such a Committee.

In response to an appeal made on behalf of the Witwatersrand University of Johannesburg, South Africa, whose Library had been destroyed by fire, the Council made a gift of a copy of all their available volumes of *Transactions*, and of the volumes of the Camden Series of which they had spare copies. They also sent a number of general historical works of which they happened to have duplicates.

On the occasion of the celebration of the 50th Anniversary of the foundation of University College, Nottingham, the Council presented the library with a small gift of volumes of *Transactions* and of the Camden Series.

At the Annual General Meeting held on February 11, 1932, Dr. T. Rice Holmes was elected an Honorary Vice-President.

At the Annual General Meeting the Vice-Presidents retiring under By-law XVII were : Dr. Eleanor Lodge and A. E. Stamp. Charles Johnson, Dr. A. G. Little and Dr. G. P. Gooch were elected Vice-Presidents to fill the vacancies.

The Members of Council retiring under By-law XVII were : F. J. E. Raby, Lieut.-Colonel John Buchan, Professor G. A. R. Callender, Miss Mary Coate and the Rev. Canon C. W. Foster. The following were elected Members of Council to fill the vacancies : V. H. Galbraith, M. S.

Giuseppi, Professor E. F. Jacob, Professor A. P. Newton, Professor Lillian Penson and Dr. C. W. Previté-Orton.

On the nomination of the Council, Professor F. J. C. Hearnshaw was elected Honorary Secretary to fill the vacancy caused by the death of H. E. Malden on March 16, 1931—Professor Hearnshaw having acted as Honorary Secretary since April 23, 1931.

On the nomination of the Council M. S. Giuseppi was elected Honorary Treasurer, having acted as Treasurer since June 11, 1931, when Professor Hearnshaw resigned the office.

J. F. Chance was appointed Auditor for the Council and P. W. Chandler and W. T. J. Gun for the Fellows.

A preliminary meeting of the Society was held on October 8, 1931, when the President, Sir Richard Lodge, LL.D., Litt.D., delivered an inaugural Address on "The Polwarth Papers" (Historical MSS. Commission).

The following papers were read during the Session 1931–1932 :—

"Wilkins's *Concilia* and the Fifteenth Century." By Professor E. F. Jacob, D.Phil., F.S.A., F.R.Hist.S. (November 12, 1931.)

"The Value and Use of Manuscript Illustrations." Illustrated by Lantern Slides. By L. F. Salzman, M.A., F.S.A. (December 10, 1931.)

"William of Ely, the King's Treasurer." By H. G. Richardson, M.A., B.Sc., F.R.Hist.S. (January 14, 1932.)

"The Transference of Land in England, 1640–1660." By the Rev. Egerton Chesney, M.A., Ph.D. (March 10, 1932.)

"The Secret Service under Charles II and James II." By James Walker, M.A., F.R.Hist.S. (April 14, 1932.)

"Queen Elizabeth and the Siege of Rouen, 1591." By R. B. Wernham, B.A. (May 12, 1932.)

The President (Sir Richard Lodge, LL.D., Litt.D.) delivered an Address at the Anniversary Meeting, February 11, 1932, his subject being "Sir Benjamin Keene, K.B.: A Study in Anglo-Spanish Relations in the Earlier Part of the Eighteenth Century."

The Alexander Medal was awarded to Miss D. M. Brodie, B.A., for an essay entitled "Edmund Dudley, Minister of Henry VII."

The Presidential Addresses, with the Alexander Essay and the above Papers (with the exception of Mr. Salzman's lecture) were printed in *Transactions*, Vol. XV.

In addition to the current volume of *Transactions* (Fourth Series, Vol. XV) the following volume of the Camden Third Series was in the press on October 31, 1932, and will be issued in February, 1933 :—

Vol. XLVII. *General and Provincial Chapters of the English Black Monks* (1215–1540), Vol. II, edited by W. A. Pantin, M.A.

The following volumes of publications are in immediate preparation :—

Diplomatic Correspondence of Richard II. Edited by Edouard Perroy.
Rotuli Parliamentorum Anglie hactenus Inediti. Edited by H. G. Richardson and G. O. Sayles.
British Diplomatic Instructions, Vol. VII, France, Part IV. Edited by L. Wickham Legg ; and *General and Provincial Chapters of the English Black Monks* (1215–1540), Vol. III. Edited by W. A. Pantin.

The Society during the year lost, in addition to those above-mentioned, 24 Fellows by resignation, 2 by removal from the roll for non-payment of subscription and 3 libraries by resignation. New Fellows were elected to the number of 47, 2 Fellows were reinstated and 7 libraries were admitted as subscribing libraries.

The total membership of the Society on October 31, 1932, was 871 Fellows, including Ordinary, Life, Honorary and Corresponding Fellows. There were 275 subscribing Libraries. Of the Fellows, 3 were Honorary, 33 were Corresponding and 155 were Life Fellows. There were 68 Societies, British and Foreign, which exchanged *Transactions* with the Royal Historical Society.

The Treasurer reports that, for the year ending October 31, 1932, the income of the year exceeded the expenditure chargeable against it by £460 7*s*. 7*d*. Allowance has been made in the Accounts for the volume of the *Camden* series publication of which has been delayed by circumstances over

which the Council had no control, but the cost of which is properly charged against the year's income.

As was foreshadowed a year ago, the Council have established a Lease Renewal Fund, and the Balance Sheet shows that a sum of £288 11*s.* has been allocated to this Fund since the last accounts were published. To this amount will be added a further investment each year. The Pension Fund is also increased by £99 0*s.* 4*d.*, being £8 13*s.* interest on investments and a further purchase of £125 Conversion 3½ per cent. stock costing £90 7*s.* 4*d.*

It will be seen by the Balance Sheet that the Capital Liabilities of the Society amount to £3,574 6*s.*, made up of £2,732 accumulated Life Subscriptions, £288 11*s.* Lease Renewal Fund and £553 15*s.* Pension Fund. This total of £3,574 6*s.* is more than covered by the total of the Society's investments, £4,709 16*s.* 10*d.*, having a market value on October 31, 1932, of £6,178. The finances of the Society are, therefore, in a thoroughly sound condition.

ROYAL HISTORICAL SOCIETY.

I.—Income of the Year ending October 31, 1932, and the Charges thereon.

Income.		£ s. d.
Subscriptions received for year 1931	£59 2 0	
Less amount estimated to be received in last year's accounts for subscriptions in arrear	35 0 0	
Subscriptions in arrear, received in excess of estimate		24 2 0
Subscriptions now in arrear estimated to be received		35 0 0
Subscriptions of 1932 :		
" " 1 at 20s.	1 0 0	
" " 3 at 21s.	3 3 0	
" " 261 at 30s.	391 10 0	
" " 642 at 42s.	1348 4 0	
		1743 17 0
Life subscriptions	170 2 0	
Less proportion required by By-law IX to be invested (see Balance-sheet)	113 8 0	
		56 14 0
Dividends on Investments		193 17 0
Interest on Deposit Account at Bank		18 17 11
Rentals received		265 18 0
		£2338 5 11

Expenditure (including charges).			£ s. d.
Publications : Printing, Distributing, Editing and Indexing	£601 9 4		
Less received from Sales	52 5 5		
			549 3 11
Salaries and Wages			689 10 0
Rent of Premises, 22 Russell Square			170 0 0
Coal			20 10 7
Electric Light, Gas, etc.			17 2 6
Rates (Parochial, etc.) and Taxes			129 5 5
General Printing and Stationery			62 2 9
Library : Books, Periodicals, Binding, and Cataloguing			82 19 3
Postages, etc.			42 11 5
Premises, 22 Russell Square : repairs, etc.			41 6 2
Insurance (Fire, National Health, etc.)			10 9 11
Monthly Meetings (cost of Refreshments)			26 9 3
Alexander Medal			3 5 0
Contribution to British Committee of International Congress			15 15 0
Sundries (Petty Cash payments)			17 7 2
			1877 18 4
Balance, being excess of Income over Expenditure for the year ending October 31, 1932, after including the amount owing to Printers for work outstanding and not paid till 1933; carried to Balance-sheet			460 7 7
			£2338 5 11

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1932.

Liabilities.		£ s. d.
Life subscriptions required to be invested as Capital Account (By-law IX): amount brought forward from last Balance-sheet	£2618 12 0	
Proportion of Life subscriptions received in 1932 (see Income and Expenditure Account)	113 8 0	
		2732 0 0
Lease Renewal Fund		288 11 0
Cost of £400 0 0 Conversion Stock 3½%		
Pension Fund:		
Balance from last year	454 14 8	
Interest received	8 13 0	
Cost of £125 0 0 Conversion Stock 3½%	90 7 4	
		553 15 0
		3574 6 0
[Represented by Consols, India 3½% Stock, Canada 3½% Stock, National Savings Certificates, Conversion Stock 5%, Conversion Stock 4½%, Conversion Stock 3½%, and Cash on Deposit—see *contra*.]		
Subscriptions received in advance		28 16 0
Amount owing to Printers		544 0 0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year . .	£3630 18 9	
Deduct Pension Fund (as above) . .	90 7 4	
	3540 11 5	
Deduct Lease Renewal Fund (as above)	288 11 0	
	3252 0 5	
Add Excess of Income over Expenditure, as per Account I	460 7 7	
		3712 8 0
		£7859 10 0

Assets.		£ s. d.
Consols 2½%, £699 9s. 9d. valued at	£314 0 0	
India 3½% Stock, £900 valued at } in 1920	500 0 0	
Canada 3½% Stock, £300 valued at }	200 0 0	
500 National Savings Certificates, at cost	400 0 0	
Conversion Stock 5%, £879 3 6, at cost	826 3 1	
Conversion Stock 4½%, £1220 at cost .	1177 2 3	
Conversion Stock 3½%, £1725 at cost	1292 11 6	
		4709 16 10
[The market value of the above investments on October 31, 1932, was £6178]		
Cash at Bank: Current Account .	£185 13 10	
,, Deposit ,, .	928 0 2	
Petty Cash Balance in hand . . .	0 19 2	
		1114 13 2
Stock of Publications at Russell Square (value as insured)		100 0 0
Stock of Publications with Printer (value as insured) .		500 0 0
Library (value as insured)		1000 0 0
,, Manuscripts (value as insured) . . .		100 0 0
Furniture, etc. ,, ,, ...		300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)		35 0 0
		£7859 10 0

(*Signed*) M. S. Giuseppi, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct, and to exhibit a true statement of the Society's financial position.

December 2nd, 1932.

(*Signed*) J. F. Chance
Pretor W. Chandler } *Auditors.*
W. T. L. Gr[illegible]

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(INCORPORATED BY ROYAL CHARTER.)

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Biggar, H. P., LL.D., D.Litt., c/o Public Record Office, Chancery Lane, W.C.2.
Billingham, P. H., B.A., B.Litt., Ardenoak, Solihull, Warwickshire.
Bing, H. F., M.A., University College, Hull.
* Binns, Rev. L. Elliott, M.A., D.D., The Manor House, Baldock, Herts.
Birch, F. L., M.A., 11 Montpelier Row, S.W.7.
Birnie, A., M.A., 24, Craigmillar Park, Edinburgh.
Black, Professor J. B., M.A., The University, Aberdeen.

Blake, A. H., M.A., Authors' Club, 2 Whitehall Court, S.W.1.
* Blakey, Professor R. G., Ph.D., University of Minnesota, Minneapolis, Minn., U.S.A.
* Blomfield, Sir Reginald, R.A., M.A., D.Litt., F.S.A., 51 Frognal, N.W.3.
Boak, Professor E. R., Ph.D., University of Michigan, Ann Arbor, Mich., U.S.A.
Boase, T. S. R., M.A., Hertford College, Oxford.
Bolam, The Rev. Canon C. E., Willoughby Rectory, Alford, Lincs.
Bond, B. W., Ph.D., University of Cincinnati, McMicken Hall, Cincinnati, U.S.A.
Bourdillon, Miss A. F. C., M.A., 19 Taviton Street, W.C.1.
Bourne, Professor H. E., Ph.D., 2844 Wisconsin Avenue, Washington, D.C., U.S.A.
Boyd, Allen R., Library of Congress, Washington, D.C., U.S.A.
Brabant, Rev. F. H., M.A., Wadham College, Oxford.
Bracey, The Very Rev. R., St. Dominic's Priory, Carisbrooke, Isle of Wight.
Bradyll-Johnson, Rev. L., M.A., D.D., St. Clement's Rectory, Oxford.
* Brebner, Professor J. B., M.A., B.Litt., Ph.D., Columbia University, New York City, N.Y., U.S.A.
* Bremner, A., Airlie Lodge, Berrylands Road, Surbiton.
Brendon, J. A., B.A., England's Side, Queen Camel, Somerset.
Bridge, J. S. C., Cookley House, Henley-on-Thames.
* Brocklebank, Mrs. T., 38 Cornwall Gardens, S.W.7.
Brodie, Miss D. M., B.A., 3 Amersham Road, S.W.15.
Brooke, Z. N., M.A., Litt.D., Gonville and Caius College, Cambridge.
Brooks, F. W., M.A., University College, Hull.
Broome, Miss D. M., Ph.D., 37 Ashburn Road, Stockport.
Brown, A. E., M.A., LL.B., 39 Sidney Avenue, N.13.
Brown, B. Goulding, M.A., 16 Brookside, Cambridge.
Brown, G. C., M.A., Worcester College for the Blind, Worcester.
Brown, W. E., M.A., B.Sc., 53, South Park Avenue, Glasgow.
Browning, Professor Andrew, M.A., Westdel, Queen's Place, Glasgow, W.2.
Bruce, Professor H., M.A., University College, Cathay's Park, Cardiff.
Bryant, A. W. M., M.A., The White House, East Claydon, Bucks.
Buchan, Lieut.-Colonel John, M.P., C.H., M.A., LL.D., Elsfield Manor, Oxford.
Buckland, C. S. B., M.A., B.Litt., 3 Stone Buildings, Lincoln's Inn, W.C.2.
Buckland, Professor W. W., LL.D., D.C.L., F.B.A., 9 Grange Road, Cambridge.
Buckler, Professor F. W., M.A., The Graduate School of Theology, Oberlin, Ohio, U.S.A.
Buick, T. L., J.P., C.M.G., United Press Association, Wellington, New Zealand.
Bullock, Captain Humphry, Headquarters, Western Command, Quetta, India.
Burleigh, The Rev. Professor J. H. S., B.D., The University, Edinburgh.
Burman, J., Westbrook, Solihull Road, Shirley, Warwickshire.
* Busher, Rev. T. Story, D.D., M.A., The Rectory, Charlton-on-Otmoor, Oxford.
Bushnell, G. H., M.R.A.S., F.S.P., University Library, St. Andrew's, Fife.

Butchers, A. G., M.A., LL.B., 18 Wilford Street, Lower Hutt, Wellington, New Zealand.
Butler, H. M., M.A., Queen Mary's School, Walsall.
Butler, J. R. M., M.V.O., O.B.E., M.A., Trinity College, Cambridge.
Butt-Thompson, Captain F. W., Laverstock, Ventnor, I.W.

* CALLENDER, Professor G. A. R., M.A., F.S.A., Royal Naval College, Greenwich, S.E.10.
Calthrop, Miss M. M. C., 26 Maitland Park Road, N.W.3.
* Cam, Miss H. M., M.A., Girton College, Cambridge.
Cameron, Miss A. I., M.A., Ph.D., Arden, Strathaven, Lanarkshire.
Cammaerts, Professor Emile, Quadrant House, Pall Mall, S.W.1.
* Campbell, Miss A. M., A.M., Ph.D., New Jersey College for Women, New Brunswick, N.J., U.S.A.
Campbell, Miss Sybil, M.A., 1 Elm Court, Temple, E.C.4.
Cape, H. J., M.A., B.Sc., Royal Grammar School, Colchester.
Carlyle, Rev. Canon A. J., M.A., D.Litt., University College, Oxford.
* Carlyle, E. I., M.A., Lincoln College, Oxford.
Carrier, Miss E. H., M.A., M.Sc., Avery Hill College, Eltham, S.E.9.
Carruthers, Mrs. C. H., 8 Gower Street, W.C.1.
* Carter, Rev. C. S., D.D., Clifton Theological College, Stoke Bishop, Bristol.
* Cecil, Algernon, M.A., 43 Bryanston Square, W.1.
Chacko, C. J., M.A., Ph.D., Ewing Hall, Forman Christian College, Lahore, Punjab, India.
Chadwyck-Healey, Sir Gerald, Bt., C.B.E., M.A., 28 Essex Street, Strand, W.C.2.
Chamberlin, Frederick, LL.B., F.S.A., 22 Alleyn Road, S.E.21.
Chambers, Miss A. M., Girls' Grammar School, Hitchin.
* CHANCE, J. F., M.A. (*Auditor*), 30 Lennox Gardens, S.W.1.
* Chancellor, E. Beresford, M.A., F.S.A., 11 Regency Mansions, St. Leonards-on-Sea.
CHANDLER, P. W., F.S.A. (*Auditor*), Frognal Dene, N.W.3.
Chapin, H. M., A.B., 93 Brown Street, Providence, R.I., U.S.A.
* Charleston, S. J., M.A., Handelshögskolan Sveavagen, Stockholm, Sweden.
Charnwood, Lord, M.A., 108 Eaton Square, S.W.1.
Chart, D. A., M.A., Litt.D., 12 Malone Park, Belfast.
Charteris, The Hon. Sir Evan, K.C., 118 Eaton Square, S.W.1.
Cheney, C. R., M.A., The Victoria University, Manchester.
Chew, Miss H. M., M.A., Ph.D., 115 Erskine Hill, N.W.11.
Chitty, Herbert, M.A., F.S.A., 26 Ladbroke Square, W.11.
Chrimes, S. B., M.A., Ph.D., Hadnam, The Drive, Coulsdon, Surrey.
* Christie, Mrs., Gatlands, Ditchling, Sussex.
Church, Rev. L. F., B.A., Ph.D., Richmond College, Richmond, Surrey.
Churchill, E. F., M.A., D.Lit., West Ham Municipal Secondary School, Tennyson Road, E.15.
Churchill, Miss I. J., D.Phil., Fircroft, Shortlands, Kent.
Clapham, Professor J. H., C.B.E., Litt.D., F.B.A., King's College, Cambridge.
Clark, A. E., M.A., 47 Rowley Street, Walsall.
Clark, C. Upson, Ph.D., Yale Club, New York City, N.Y., U.S.A.

Clark, Professor G. N., M.A., All Souls College, Oxford.
Clark, G. S. R. Kitson, M.A., Trinity College, Cambridge.
Clark, Rev. Henry W., D.D., St. John's School, Broxbourne, Herts.
CLARKE, Miss M. V., M.A., Somerville College, Oxford.
Clayton, J., St. Aidan's, Billingshurst, Sussex.
Clegg, Mrs., B.A., Branscombe, Avondale Road, Heavitree, Exeter.
Clements, E. E., Greenways, Fairfield Park, Bath.
Cleve, T. C. Van, M.A., Ph.D., Bowdoin College, Brunswick, Maine, U.S.A.
Coate, Miss M., M.A., Lady Margaret Hall, Oxford.
Cobb, Sir Cyril Stephen, B.C.L., M.A., F.R.G.S., 5 Cornwall Terrace N.W.1.
* Cockburn, J. H., O.B.E., Danes Hill, Rotherham.
Cockle, M. J. D., Wheatfen Broad, Surlingham, Norwich.
Colby, Professor C. W., M.A., Ph.D., 560 Pine Avenue, W. Montreal, Canada.
Collingwood, R. G., M.A., F.S.A., 15 Belbroughton Road, Oxford.
Collins, Professor Ross W., M.A., B.D., Ph.D., University of Alberta, Edmonton, Alberta, Canada.
Cooper, W., F.S.A., Imperial Hydro, Harrogate.
Coopland, Professor G. W., M.A., Litt.D., 6 Bark Hill Road, Aigburth, Liverpool.
Cope, J. H., Finchampstead Place, Berks.
* Cornelius, Rev. W. J. J., B.D., D.Litt., All Saints' Vicarage, North Peckham, S.E.15.
Cory, Sir George E., M.A., D.Litt., Archives, Houses of Parliament, Cape Town, S. Africa.
Cotterell, H. H., F.R.S.A., The Little House, Croxley Green, Watford, Herts.
Coupland, Professor R., M.A., Wootton Hill, near Oxford.
* Crawley, C. W., M.A., Trinity Hall, Cambridge.
Cronne, H. A., M.A., Aerise Cottage, Well Road, N.W.3.
Cross, Professor A. L., Ph.D., University of Michigan, Ann Arbor, Mich., U.S.A.
Cruttwell, C. R., M.A., Hertford College, Oxford.
Cundall, F., O.B.E., F.S.A., Barnsil, Kingston, Jamaica, W. Indies.
Cunningham, Miss A., M.A., 2 St. Paul's Road, Cambridge.
Curtis, C. D., 41 Ashcombe Gardens, Weston-super-Mare.

Darlington, R. R., B.A., Ph.D., Bedford College, Regent's Park, N.W.8.
* Darwin, F. D. S., M.A., 188 Woodstock Road, Oxford.
Das, Harihar, B.Litt., Sidhipasa, Jessore, Khulna, Bengal, India.
Davey, G. M., 20 Essex Street, W.C.2.
David, Professor C. W., Ph.D., Bryn Mawr College, Bryn Mawr, Pa., U.S.A.
Davies, C. C., B.A., Ph.D., School of Oriental Studies, Finsbury Circus, E.C.
* Davies, G., M.A., Henry E. Huntington Library, San Marino, Cal., U.S.A.
Davies, Miss A. F., M.A., 8 Bradmore Road, Oxford.
* Davies, The Ven. Archdeacon D. J., M.A., B.D., Moore Theological College, Newtown, Sydney, Australia.
Davies, Rev. R. T., M.A., 9 Manor Road, Holywell, Oxford.

Davies, W. S., M.A., 36 Gwydr Crescent, Swansea.
Davies, W. T., B.A., Glanwern, Clasemont, Morriston, Swansea.
* Davis, Miss E. Jeffries, M.A., F.S.A., University College, Gower Street, W.C.1.
Dawes, M. C. B., B.A., F.S.A., 18 Ormonde Mansions, 106 Southampton Row, W.C.1.
Dawson, Christopher, M.A., Ashley, Dawlish, Devon.
* Day, P. W., M.A., 50 Marine Terrace, Blyth, Northumberland.
* Denny, L. R. R., M.A., 47 Rhodes Street, Merivale, Christchurch, New Zealand.
Dickie, Professor A. C., M.A., F.S.A., Long Crendon, Bueles.
Dilks, T. B., B.A., East Gate, Bridgwater.
D'Irsay, S., M.A., M.D., c/o Guaranty Trust Co., 4 Place de la Concorde, Paris, France.
Dobrée, Bonamy, O.B.E., M.A., Mendham Priory, Harleston, Norfolk.
Dodd, Professor A. H., M.A., 12 Menai View Terrace, Upper Bangor.
Dodwell, Professor H. H., M.A., School of Oriental Studies, Finsbury Circus, E.C.2.
Doncaster, J. H., M.A., Wag Wood, Dore, Sheffield.
Douglas, D. C., B.A., The University, Glasgow.
Douie, Miss D. L., B.A., Ph.D., 13 South Bailey, Durham.
Dorling, Captain H. T., R.N. (retd.), D.S.O., Marlings, Pembroke Road, Woking.
Dow, Professor E. W., Ph.D., 554 Thompson Street, Ann Arbor, Mich., U.S.A.
Driver, C. H., M.A., 14 Hillcrest Road, South Woodford, Essex.
Dudden, The Rev. Canon F. H., M.A., D.D., The Master's Lodgings, Pembroke College, Oxford.
Duncalf, Professor F. I., Ph.D., University of Texas, Austin, Texas, U.S.A.
Duncan, Professor D. Shaw, Ph.D., LL.D., 2010 So. Gaylord Street, Denver, Col., U.S.A.
* Durham, The Right Rev. the Bishop of, D.D., F.S.A., Auckland Castle, Bishop Auckland.
Dyer, Miss F. E., 108 Jerningham Road, S.E.14.
Dykes, Professor D. O., K.C., M.A., LL.B., 16 South Charlotte Street, Edinburgh.

Easterling, Miss R. C., M.A. (*Address not known.*)
Edwards, J. G., M.A., Jesus College, Oxford.
Edwards, Major T. J., Room 123, The War Office, Whitehall, S.W.1.
Elder, Professor J. R., M.A., D.Litt., University of Otago, Dunedin, New Zealand.
Ellis, A. C., M.A., St. Albans, Chelston, Torquay.
Ellis, C., M.A., 14 Dudley Road, S.W.19.
Ellis, J. P., M.A., Llysmynach, Dolgelly, Merioneth.
Elton, G., M.A., Greenways, Old Headington, Oxford.
Emden, C. S., M.A., Oriel College, Oxford.
* Ettinger, A. A., M.A., D.Phil., Litt.D., 1114 Hamilton Street, Allentown, Pa., U.S.A.
Evans, Miss A. M., M.A., Normal College, Bangor.

Evans, Miss Joan, D.Lit., F.S.A., 9 Kensington Park Gardens, W.11.
Evans, Sir E. Vincent, C. H., LL.D., F.S.A., 64 Chancery Lane, W.C.2.
Evans, Rev. J. E., B.A., Croxton Kerrial Vicarage, Grantham.
Evennett, H. O., M.A., Trinity College, Cambridge.
Ewing, Professor J., M.A., Rhodes University College, Grahamstown, S. Africa.
* Ezard, Edward Henry, M.A., M.D., Clare Cottage, Castle Street, Cambridge.

Fagan, Sir Patrick, K.C.I.E., C.S.I., 73 Canfield Gardens, N.W.6.
Fahim, Mohammad Bey, c/o Ministry of Education, Cairo, Egypt.
Faraday, W. B., LL.B., J.P., 2 Middle Temple Lane, E.C.4.
* Farquhar, Miss Helen, 6 Lowndes Street, S.W.1.
Farran, Professor A. C., M.A., Elphinstone College, Bombay, India.
* Fay, Professor C. R., M.A., Christ's College, Cambridge.
Fay, Professor S. R., Ph.D., 194 Brattle Street, Cambridge, Mass., U.S.A.
Fenwick, Miss Susan F., 64 Kensington Park Road, W.11.
Ferris, C. E., Dunelm School, 28 Armagh Street, Christchurch, New Zealand.
* Fiddes, Professor E., M.A., 173 Wilmslow Road, Withington, Manchester.
Fifoot, C. H. S., M.A., Hertford College, Oxford.
FIRTH, Professor Sir CHARLES, M.A., LL.D., Litt.D., F.B.A., 2 Northmoor Road, Oxford.
FITZMAURICE, The Right Hon. Lord, F.B.A., Leigh House, Bradford-on-Avon.
Fletcher, J. S., Falklands, Harrow Road West, Dorking.
Fletcher, The Rev. Canon J. M. J., M.A., 59 The Close, Salisbury.
Flower, R. E. W., B.A., D.Litt., 14 Wellesley Grove, Croydon, Surrey.
* Ford, Worthington C., Ph.D., c/o Morgan & Co., 14 Place Vendôme, Paris.
Formoy, Mrs. B. E. H., M.A., 12 Middleway, N.W.11.
Foster, The Rev. Canon C. W., M.A., F.S.A., Timberland Vicarage, Lincoln.
* Fotheringham, J. K., M.A., D.Litt., F.B.A., Dumbarrow, Hids Copse Road, Cumnor, Oxford.
* Fountaine, Mrs. R. W., Pollicott, Thame, Oxon.
Fowler, G. H., The Old House, Aspley Guise, Bedfordshire.
Frampton, R., B.A., 185 May Lane, Kings Heath, Birmingham.
* Free, Rev. Richard W., M.A., B.D., 132 Westminster Drive, Westcliff.
* Freeman, Arnold, M.A., B.Litt., Sheffield Education Settlement, Shipton Street, Sheffield.
Freeman, J. J., C.B.E., Shepperton-on-Thames.
French, Colonel C. N., C.M.G., C.B.E., 19 Knightsbridge, S.W.1.
Furber, H., M.A., Ph.D., E 11 Lowell House, Harvard University, Cambridge, Mass., U.S.A.
Fussell, G. E., 6 Tavistock Place, W.C.1.

GALBRAITH, V. H., M.A., 1 Garford Road, Oxford.
Gambier-Parry, T. R., M.A., 5A King Edward Street, Oxford.

Garrett, Professor H. L. O., M.A., I.E.S., Government College, Lahore, Punjab, India.
GEE, The Very Rev. HENRY, D.D., Litt.D., F.S.A., The Deanery, Gloucester.
Geyl, Professor Pieter, Lit.D., 58 Circus Road, N.W.8.
* Gibbons, H. A., Ph.D., Litt.D., Princeton, N.J., U.S.A.
Gill, Professor C., M.A., Litt.D., Chestnut Lodge, Cottingham, E. Yorks.
Gipson, Professor L. H., Ph.D., Lehigh University, Bethlehem, Pa., U.S.A.
* GIUSEPPI, M. S., I.S.O., F.S.A. (*Hon. Treasurer*), 72 Burlington Avenue, Kew Gardens, Surrey.
Glendon, E. T., M.A., Burwell, Cambs.
Gnana Viran, S. S., 70 Phayre Street, Rangoon, Burma.
Godley, The Hon. Eveline, South Hatfield, Coleman's Hatch, Sussex.
* GOOCH, G. P., M.A., D.Litt., F.B.A., 76 Campden Hill Road, W.8.
Goodman, Paul, 10 The Ridgeway, N.W.11.
Goodman, The Rev. Canon A. W., M.A., B.D., F.S.A., Dormy Cottage, S. Cross Road, Winchester.
Goodwin, A., B.A., Jesus College, Oxford.
Gotch, J. A., M.A., F.S.A., Weekley Rise, Kettering.
Grace, Miss M., M.A., The Laurels, Newick, Lewes.
Grace, W. F. F., M.A., Ph.D., Thornfield, Huyton, nr. Liverpool.
Graham, G. S., M.A., Ph.D., Eliot House, Cambridge, Mass., U.S.A.
* GRAHAM, Miss ROSE, M.A., D.Litt., F.S.A., 12 Ladbroke Gardens, W.11.
Graham, Rev. W., M.A., L.Th., Chaplain's House, Funchal, Madeira.
GRANT, Professor A. J., M.A., Litt.D., 17 Gurney Drive, N.2.
Graves, Miss F. M., M.P., 10 Barton Street, S.W.1.
Greaves, J. W., M.A., Sydney High School, Sydney, Australia.
Green, D. Walford, M.A., Lendrick, Bishop's Teignton, S. Devon.
Green, Ernest, Department of Trade and Commerce, Ottawa, Canada.
Green, F., 7 Haydon Park Road, S.W.19.
Greene, C. H., M.A., Incents, Crowborough, Sussex.
Greene, Professor E. B., Ph.D., Columbia University, New York City, N.Y., U.S.A.
Gregory, M. V., M.A., D'Orny, Rose Lane, Mossley Hill, Liverpool.
Grew, Mrs. M. E., 47 Oakley Street, S.W.3.
Grime, Rev. A., M.A., 87 Grasmere Road, Gledholt, Huddersfield.
* Grimes, Rev. C. H. D., M.A., The British Club, Calle Fontenella, Barcelona, Spain.
* Griscom, Rev. Acton, M.A., Chapel Farm, Riverdale-on-Hudson, New York, U.S.A.
Guedalla, Philip, M.A., 5 Hyde Park Street, W.2.
Guilday, Rev. Peter, Ph.D., LL.D., Catholic University of America, Brookland, D.C., U.S.A.
Gumbley, Rev. W., O.P., St. Sebastian's Priory, Gerald Road, Salford 6.
* GUN, W. T. J., B.A. (*Auditor*), 48 Hornton Court, Hornton Street, W.8.
Gwynn, D. R., B.A., 30 Halsey Street, S.W.3.

Haig, Lieut.-Colonel Sir T. Wolseley, 34 Gledstanes Road, W.14.
* Hall, C. S., M.A., Holywell House, Watt Lane, Ranmoor, Sheffield.

HALL, HUBERT, Litt.D., F.S.A. (*Director*), 26 Old Buildings, Lincoln's Inn, W.C.2.
Hall, I. V., M.A., 184 Fishponds Road, Bristol.
Hall, Professor D. G. E., M.A., D.Lit., University College, Rangoon, Burma.
* Hall, T. W., M.A., F.S.A., 6 Gladstone Road, Sheffield.
Halliday, W. R., M.A., LL.D., King's College, Strand, W.C.2.
Hallward, N. L., M.A., I.E.S., Westcote, Dunsfold, Godalming.
Hancock, The Ven. Archdeacon L. R., M.A., The Rectory, Whatley, Frome, Som.
Hannay, Professor R. K., M.A., LL.D., 5 Royal Terrace, Edinburgh.
Harding, W. G., F.S.A., Peckwater House, Charing, Kent.
Harley, J. H., M.A., 59 Parliament Hill, N.W.3.
Harlow, V. T., M.A., B.Litt., The Firs, Old Marston, Oxford.
* Harris, Sir Charles A., K.C.M.G., C.B., C.V.O., Greenhill Brow, Farnham, Surrey.
Hartopp, Henry, 81 Barclay Street, Narborough Road, Leicester.
Harvey, Professor E. L., M.A., California Institute of Technology, Pasadena, Cal., U.S.A.
Hasluck, E. L., B.A., Heathfield, Western Avenue, Herne Bay.
Hattersley, Professor A. F., M.A., 10 The Avenue, Filey, Yorks.
* Havinden, Eric, M.A., 30 Park Avenue, Solihull, Warwickshire.
Hayden, Professor Mary T., M.A., 47 Windsor Road, Rathmines, Dublin.
Hayward, A. L., Belmont, Jordans, Beaconsfield, Herts.
Hazeltine, Professor H. D., M.A., F.B.A., West Lodge, Downing College, Cambridge.
Hazen, Professor C. D., Ph.D., Columbia University, New York City, N.Y., U.S.A.
Headlam, Cecil, M.A., Broadmead, Westwell Leacon, Charing, Kent.
* HEARNSHAW, Professor F. J. C., M.A., LL.D. (*Hon. Secretary*), Hammerwood, Oxted, Surrey.
Heathcote, Professor C. W., A.M., Ph.D., State Normal School, 215 South Walnut Street, West Chester, Pa., U.S.A.
Heatley, D. P., M.A., 28 Minto Street, Edinburgh.
Heaton, Rev. W. J., B.D., 17 Camden Crescent, Bath.
Henderson, J. M., M.A., King's College, Aberdeen.
Hepburn, E., 111 Main Road, Sidcup, Kent.
* Higham, C. S. S., M.A., 16 Leopold Road, S.W.19.
Hill, J. W. F., M.A., LL.M., 2 Lindum Terrace, Lincoln.
Hill, Lady, Green Place, Stockbridge, Hants.
Hine, R. L., F.S.A., Willian Bury, Willian, Herts.
Hodges, H. W., M.A., Royal Naval College, Dartmouth.
* Hodgkin, R. H., M.A., Queen's College, Oxford.
Hoggarth, A. H. G., M.A., Churcher's College, Petersfield.
* Hollingsworth, L. W., B.A., Education Dept., Zanzibar, E. Africa.
Hood, Mrs. Ivo, Sidestrand, Cromer.
* Horn, D. B., M.A., D.Litt., 67 Ladysmith Road, Edinburgh.
Horne, Rev. W., The Vicarage, Lower Darwen, Lancs.
Horváth, Professor Eugene, Phil.D., II, Ilona útca 4, Francis Joseph Institute, Budapest, Hungary.
Hoskins, Professor H. L., Ph.D., Tufts College, Medford, Mass., U.S.A.

Hotblack, Miss K., D.Sc., Gurney Court, Magdalen Street, Norwich.
Hoult, James, F.S.A. (Scot.), 12 Brookland Road, Stoneycroft, Liverpool.
Houseman, J. W., M.A., The Grammar School, Hipperholme, Yorks.
* Howard-Watson, Captain J. A., F.R.G.S., F.R.S.L., Bella Vista, Nicholas Road, Blundellsands, near Liverpool.
Howay, His Honour Judge F. W., LL.B., Law Courts, New Westminster, British Columbia, Canada.
Howden, Miss M. P., M.A., 17c Huskisson Street, Liverpool.
Hoyland, J. S., M.A., Holland House, Woodbrooke, Selly Oak, Birmingham.
Hudson, G. F., M.A., All Souls College, Oxford.
Hull, Professor W. I., Ph.D., Swarthmore College, Swarthmore, Pa., U.S.A.
Hutchins, E. J., M.A., B.Litt., Cowiehan, Withdean Crescent, Brighton.
* Hyamson, A. M., P.O. Box 437, Jerusalem, Palestine.
* Hyde, J. H., B.A., 67 Boulevard Lannes, Paris, XVIe, France.
Hyslop, R., F.S.A. (Scot.), 5 Bellevue Crescent, Sunderland.

* Ilchester, The Right Hon. the Earl of, Holland House, Kensington, W.8.
Irwin, Miss M. G., M.A., 7 The Butts, Harrow-on-the-Hill.
Ivamy, E., M.A., Redesdale, The Park, Cheltenham.

Jackson, H. S., 165 New Park Road, S.W.2.
* Jackson, Mrs. Nevill, 55 Bedford Gardens, W.8.
Jackson, The Rev. Canon F. J. Foakes, D.D., Union Theological Seminary, New York City, N.Y., U.S.A.
Jacob, Professor E. F., M.A., D.Phil., F.S.A., The Victoria University of Manchester.
James, Miss M., M.A., 5 Arboretum Street, Nottingham.
Jamison, Miss E. M., M.A., Lady Margaret Hall, Oxford.
Jeffery, R. W., M.A., F.S.A., Brasenose College, Oxford.
Jenkins, R. T., M.A., Rhuddallt, Menai Road, Bangor.
Jenkins, The Rev. Canon Claude, D.D., F.S.A., 15 Precincts, Canterbury.
Jenkinson, Hilary, M.A., F.S.A., 29 Cheyne Row, S.W.3.
Jessop, J. C., M.A., Ph.D., 1 Castle Street, Brechin.
* Johnson, C., M.A., F.S.A., 13a Downshire Hill, N.W.3.
Johnson, J. D. A., LL.D., F.R.S.A. (Irel.), 5 Elton Park, Kingstown, Co. Dublin.
Johnson, J. H., M.A., 13 King Edward Avenue, Chelmsford.
Johnston, Miss K. L., M.A., 71 Staverton Road, N.W.2.
Johnston, Rev. J. B., M.A., B.D., 63 Cluny Gardens, Edinburgh.
Johnston, D. Hope, 3.F. Grove End Road, N.W.8.
Johnstone, Professor Hilda, M.A., Holly Cottage, Englefield Green, Surrey.
Johnstone, Rev. S. M., M.A., St. John's Rectory, Parramatta, New South Wales, Australia.
Jolliffe, J. E., M.A., Keble College, Oxford.
Jones, A. E., M.A., 13 Aire View Avenue, Cottingley Bridge, Bingley.
Jones, E. Alfred, M.A., F.S.A., Royal Societies Club, St. James's Street, S.W.1.
* Jones, Miss M. E. Monckton, M.A., St. Alban's House, Hockerill College, Bishop's Stortford.

Jones, Professor T. F., Ph.D., New York University, University Heights, New York, U.S.A.
Jones, W. G., M.A., 40 Park Road West, Birkenhead.
Jordan, W. K., A.B., A.M., Ph.D., Howard University, Cambridge, Mass., U.S.A.
Jourdan, The Rev. Professor G. V., D.D., S. Mary Shandon Rectory, Cork.
Judges, A. V., B.A., 28 Woburn Square, W.C.1.

* Kay, H., M.A., Merton, Beresford Road, E.4.
Keenleyside, H. W., M.A., Ph.D., Canadian Legation, Tokyo, Japan.
Keir, D. L., M.A., University College, Oxford.
Kelly, F. M., 37 Hollywood Road, S.W.10.
Kelly, Rev. B. W., Corpus Christi House, 12 Trent Road, S.W.2.
Kelway, Clifton, F.R.G.S., 57 Warwick Square, S.W.1.
Kennedy, W. J. Rann, M.A., 10 Laureston Place, Dover.
Kenney, James F., M.A., Public Archives, Ottawa, Canada.
Kerr, W. B., M.A., Ph.D., University of Buffalo, Buffalo, N.Y., U.S.A.
Ketelbey, Miss D. M., M.A., 5 St. Mary's Place, St. Andrew's, Fife.
* Khan, Professor Shafaat Ahmad, B.A., Litt.D., The University, Allahabad, India.
Khanna, Kahan Chand, M.A., Ph.D., De Montmorency College, Shahpur Sadr, Punjab, India.
Kiewiet, Professor C. W. de, M.A., Ph.D., State University of Iowa, Iowa City, Iowa, U.S.A.
King, Colonel E. J., C.M.G., M.A., D.L., The Old House, East Finchley, N.2.
Kingham, W. R., M.A., 9 Clanricarde Gardens, W.2.
Kinloch, Rev. T. F., M.A., Morville Hall, Bridgnorth, Shropshire.
Kirkconnell, Professor Watson, M.A., F.R.G.S., Wesley College, Winnipeg, Canada.
* Kirkpatrick, F. A., M.A., 23 Bateman Street, Cambridge.
Kitchener, E. E., M.A., 34 Coombe Road, Croydon, Surrey.
Klingberg, F. J., A.B., A.M., Ph.D., 405 Hilgard Avenue, Los Angeles, Cal., U.S.A.
* Knapton, Rev. A. J., M.A., B.D., Marshbury, 14 Lillington Road, Leamington Spa.
Knight, L. Stanley, M.A., The School House, Pengam, Glam.
Kohli, Sita Ram, M.A., 8 Tapp Road, Lahore, Punjab, India.
Krishnamachasi, T. M., H.H., The Maharajah's College, Trivandrum, Travancore, S. India.
Krisnamurti, N. A., Tirumalai Lodge, Trivandrum, Travancore, S. India.
* Krofta, Professor Kamil, Dr. Phil., The University, Prague, Czecho-Slovakia.

Labaree, L. W., B.A., M.A., Ph.D., Yale University, New Haven, Conn., U.S.A.
Laistner, Professor M. L. W., M.A., 239 Goldwin Smith Hall, Cornell University, Ithaca, New York, U.S.A.
Lambert, Sir Henry, K.C.M.G., C.B., F.S.A., Larklands, Banstead, Surrey.
Lanctot, G., Litt.D., The Public Archives, Ottawa, Canada.
* Langley, Rev. A. S., The Manse, Walsall Street, Wednesbury.

Langstone, Miss R. W., M.A., 30 Corser Street, Stourbridge.
Laprade, Professor W. T., Ph.D., 1108 Monmouth Avenue, Durham, N. Carolina, U.S.A.
Lapsley, G., M.A., Ph.D., Trinity College, Cambridge.
Lardelli, Miss M. L., Girls' High School, Brigg, Lincs.
Larson, Professor L. M., Ph.D., LL.D., 315 Lincoln Hall, Urbana, Ill., U.S.A.
Law, Miss A., F.R.S.L., 135 Queen's Road, Blackburn.
Lees, Miss B. A., M.A., 8 Norham Road, Oxford.
Leftwich, B. R., M.B.E., 1 Ravenscourt Park, High Barnet, Herts.
Lega-Weekes, Miss Ethel, Varnello, Topsham Road, Exeter.
Legg, L. G. Wickham, M.A., Foxcombe Rise, Boar's Head, Oxford.
Lenanton, Mrs. C. M. A., Bride Hall, Ayot St. Lawrence, Welwyn, Herts.
* Lennard, R., M.A., Wadham College, Oxford.
* Leonard, Miss E. M., M.A., 13 Oakwood Court, W.14.
* Lepper, R. S., LL.M., Elsinore, Crawfordsburn, Co. Down.
Letts, M. H. I., F.S.A., 27 West Heath Drive, N.W.11.
Lewin, Evans, M.B.E., Royal Empire Society, Northumberland Avenue, W.C.2.
Lewis, Professor E. A., M.A., D.Sc., University College of Wales, Aberystwyth.
Lewis, J. H., M.A., 10 Glannant Street, Penygraig, Rhondda.
Lewis, T. H., M.A., Branscombe, Broadway, Llandrindod Wells.
Leys, Mrs. K. K. M., M.A., Holywell Cottage, Oxford.
Liddell-Hart, Captain B. H., 60 Gloucester Place, W.1.
Limbrick, Rev. W. A., Stagsden Vicarage, Beds.
* Lipson, E., M.A., New College, Oxford.
Little, Andrew G., M.A., D.Litt., F.B.A., Risborough, Vine Court Road, Sevenoaks.
* Littler, Rev. H. D., M.A., Red Barns, Redcar.
Llewellin, Rev. F. G., B.D., Kidsgrove Vicarage, Stoke-on-Trent.
* Lloyd, H. I., O.B.E., M.A., Civil Court, Basrah, Irap.
* Lloyd, Professor J. E., M.A., D.Litt., F.B.A., F.S.A., Gwaen Deg, Bangor.
Lock, Arthur B., Alma Street School, Aston, Birmingham.
Lock, Major H. O., 53 High West Street, Dorchester.
Lockitt, C. H., M.A., The Grammar School, Bungay, Suffolk.
Lodge, Miss Eleanor C., C.B.E., M.A., D.Litt., 5 Fyfield Road, Oxford.
* Lodge, Sir Richard, LL.D., Litt.D., Lane End, Harpenden, Herts.
Long, Mrs. Arthur, F.R.S.L., Chalom House, Spring Terrace, Richmond, Surrey.
* Longden, Rev. H. I., M.A., F.S.A., Heyford Rectory, Northampton.
Loomis, Professor Louise, Ph.D., Wells College, Aurora-on-Cayuga, New York, U.S.A.
Lovegrove, E. W., M.A., F.S.A., St. David's, Chipping Campden, Glos.
Lumb, Miss S. V., M.A., 14 Mary Bower Road, Higher Broughton, Manchester.
Lunt, Professor W. E., Ph.D., Haverford College, Haverford, Pa., U.S.A.
* Lybyer, Professor A. H., A.M., Ph.D., 1006 West Nevada Street, Urbana, Ill., U.S.A.

* Lydall, John French, M.A., LL.D., 37 John Street, Bedford Row, W.C.1.
Lyell, James P. R., J.P., B.Litt., 78 Woodstock Road, Oxford.

Macalister, Professor R. A. S., Litt.D., F.S.A., 18 Mount Eden Road, Dublin, S.W.1.
Macartney, C. A., 29 Chester Terrace, S.W.1.
* McClellan, Professor G. P., M.A., LL.D., 2424 California Street, Washington, D.C., U.S.A.
Macdonald, Rev. A. J., M.A., D.D., St. Dunstan's Vestry, Fleet Street, E.C.4.
McElroy, Professor R., M.A., LL.D., Ph.D., 78 Banbury Road, Oxford.
* Macfadyen, Rev. Dugald, M.A., Bramble Bank, Muington Lane, Letchworth.
McHaffie, W. H., M.A., 16 Handel Mansions, Handel Street, W.C.1.
McIlwain, Professor C. H., Ph.D., Standish Hall, Cambridge, Mass., U.S.A.
Mackie, Professor J. D., M.A., The University, Glasgow.
McKisack, Miss May, M.A., B.Litt., 7 St. Aidan's Terrace, Birkenhead.
McLachlan, Rev. H., M.A., D.D., Summerville, Victoria Park, Manchester.
McLaughlin, Professor A. C., A.M., LL.D., The University, Chicago, Ill., U.S.A.
McLennan, Senator J. S., The Senate, Ottawa, Canada.
McMaster, Mrs. Ian, M.A., 19 Frederick Road, Edgbaston, Birmingham.
Macmillan, Professor W. M., M.A., University of the Witwatersrand, Johannesburg, South Africa.
McNamara, W. H., 29 Campbell Road, E.17.
Macnutt, Archdeacon F. R., M.A., Provost's House, Stoneygate, Leicester.
Magrath, C. J., O.B.E., D.Litt., 173 Rustlings Road, Sheffield.
Mainwaring, J., M.A., Lingwood, St. James' Road, Dudley.
Major, Miss E. H., C.B.E., M.A., LL.D., 1A Camp View, S.W.19.
Major, Miss K., B.A., B.Litt., Abbott's Manor, Holbeach, Lincs.
* Malden, Rev. E. E., M.A., M.B.E., The Vicarage, Amberley, North Canterbury, New Zealand.
Malden, The Very Rev. R. H., M.A., The Deanery, Wells.
Malone, Professor Dumas, Ph.D., A.M., LL.D., 602 Hill Building, 17th Street, Washington, D.C., U.S.A.
Manning, B. L., M.A., Jesus College, Cambridge.
Manwaring, G. E., 38 Sarsfield Road, S.W.12.
Marsh, Professor F. B., Ph.D., University of Texas, Austin, Texas, U.S.A.
Marshall, Miss D., M.A., Ph.D., Bedford College, Regent's Park, N.W.8.
Marshall, Professor R. L., M.A., LL.D., 1 College Avenue, Magee College, Londonderry.
Marshall, T. H., M.A., 7 Caroline Place, W.C.1.
* Marten, C. H. K., M.A., Waynflete House, Eton College, Windsor.
Martin, Miss E. C., M.A., Ph.D., Westfield College, Hampstead, N.W.3.
Martin, Professor C., M.A., LL.D., The University, Toronto, Canada.
Marvin, F. S., M.A., H.M.I., 20 Guessans Court, Welwyn Garden City, Herts.
* Mason, Rev. W. A. Parker, M.A., 11 Burford Road, Whalley Range, Manchester.
Mathews, G. W., F.S.A., Monkswood, Spital Road, Spital, Cheshire.
* Mathur, Tikait Narain, B.A., LL.B., 30/27 Chili-ent Road, Agra, U.P., India.

Mears, R. A. F., M.A., B.Litt., 12 Polstead Road, Oxford.
Medley, Professor D. J., M.A., Hill House, Heckfield, nr. Basingstoke.
Mercier, Miss W., O.B.E., M.A., Whitelands College, East Putney, S.W.15.
Merriman, Professor Roger B., M.A., Master's Lodgings, Eliot House, Cambridge, Mass., U.S.A.
Methley, Miss Violet M., 14 Cavendish Road, N.W.6.
Miller, W., M.A., F.B.A., British Archæological School, Rue Spensiopos, Athens, Greece.
* Mills, Colonel D. A., 29 Pembroke Road, W.8.
Montague, Professor F. C., M.A., 177 Woodstock Road, Oxford.
Montgomery, Mrs. I. A., M.A., Ph.D., 18 Northumberland Street, Edinburgh.
* Moor, Rev. Charles, M.A., D.D., F.S.A., 14 Lexham Gardens, W.8.
Moore, H. Stuart, F.S.A., 6 King's Bench Walk, Temple, E.C.4.
Moore, Miss M. F., M.A., Ph.D., 51 Gunterstone Road, W.14.
* Moorman, Mrs., B.A., 5 Cambrian Terrace, Holbeck, Leeds.
Moreton, Rev. H. A. V., B.A., D. ès Lettres (Besançon), Pencombe Rectory, Herefordshire.
* Morgan, Professor W. T., M.A., Ph.D., Indiana University, Bloomington, Ind., U.S.A.
* Morison, Professor J. L., M.A., D.Litt., Dilston Crossing, Corbridge, Northumberland.
Morley, T. H., B.Sc., 312 King's Road, Reading.
Morrah, D. M. M., M.A., 1 Gayton Crescent, N.W.3.
Morrell, W. P., M.A., D.Phil., 95 Warwick Road, S.W.5.
Morris, Ernest, 24 Coventry Street, Leicester.
* Morris, Rev. Professor H. C. S., M.A., University of Trinity College, Toronto, Canada.
Morris, Professor W. A., Ph.D., University of California, Berkeley, Cal., U.S.A.
Mounfield, A., Epworth, Whitefield Road, Warrington.
Mullens, W. H., Beaufort Park, Battle, Sussex.
* Muller, Professor J. A., Ph.D., 4 St. John's Road, Cambridge, Mass., U.S.A.
Mumby, F. A., 135 Foxley Lane, Purley, Surrey.
Myres, Rev. M. W., D.D., Frodsham Vicarage, nr. Warrington.

Namier, Professor L. B., M.A., The Victoria University of Manchester.
Narayan. Brij., M.A., c/o Allahabad Bank, Ltd., Delhi, India.
* Neale, Professor J. E., M.A., University College, Gower Street, W.C.1.
Nef, J. U., Ph.D., Faculty Exchange, University of Chicago, Chicago, Ill., U.S.A.
Neilson, Professor N., Ph.D., Mount Holyoke College, South Hadley, Mass., U.S.A.
Neve, Arthur H., 21 The Drive, Tonbridge.
Newhall, Professor R. A., Ph.D., Williams College, Williamstown, Mass., U.S.A.
Newton, Professor A. P., M.A., D.Lit., F.S.A., King's College, Strand, W.C.2.
Nichols, J. F., M.C., M.A., Ph.D., F.S.A., 105 College Road, Isleworth, Middlesex.

* Nicholson, T. C., M.A., Strathmore, Wath-upon-Dearne, nr. Rotherham.
Nijhoff, Wouter, Lange Voorhout 9, The Hague, Holland.
Noakes, Miss J., The Wilderness, Salisbury.
Notestein, Professor Wallace, Ph.D., Yale University, New Haven, Conn., U.S.A.
* Nunn, William, M.P., Ponsonby Hall, Calderbridge, Cumberland.
* Nuttall, J. R., J.P., Thornfield, Lancaster.

Oakley, Professor T. P., Ph.D., 541 West 123rd Street, New York City, N.Y., U.S.A.
Offer, Rev. C. J., M.A., Highmore Vicarage, Headley, Oxon.
* Oke, A. W., B.A., LL.M., F.S.A., 32 Denmark Villas, Hove, Sussex.
* Oliver, F. S., M.A., Edgerston, Jedburgh, Scotland.
Oman, Professor Sir Charles, M.P., D.C.L., LL.D., F.S.A., F.B.A., Frewin Hall, Oxford,
Osborn, J. Lee, Rockwood, Wootton Bassett, Wilts.
O'Sullivan, Professor M. Donovan, M.A., Lisgorm, Galway, Ireland.
Owen, Hugh, M.A., F.S.A., Bryn Gwyn, Llangefni, Anglesey.
* Owen, Lieut.-Commander J. H. (R.N.), Orielton, Maidstone Road, Chatham.
* Owen, R., Argraffdy Owen, Welshpool, Wales.
Owst, G. R., Litt.D., D.Lit., Ph.D., Glenrosa, Heswall Hill, Cheshire.

Packard, Professor S. R., A.B., A.M., Ph.D., 85 Washington Avenue, Northampton, Mass., U.S.A.
Page, M. E., Fore Street, Bridgwater.
Page, Miss Frances M., M.A., Ph.D., King's College, Strand, W.C.2.
Page, W., D.Litt., F.S.A., Ashmere Croft, Middleton, near Bognor.
Pakeman, Professor S. A., M.C., M.A., University College, Colombo, Ceylon.
Pantin, W. A., M.A., F.S.A., Oriel College, Oxford.
Parker, Captain H., F.R.G.S., 28 Berkeley Square,
Parker, H. M. D., M.A., Magdalen College, Oxford.
* Parker, Colonel J. W. R., C.B., D.L., J.P., V.P.S.A., Brownsholme Hall, nr. Clitheroe, Lancs.
* Parker, L. N., F.R.A.M., Hotel d'Angleterre, Vevey, Switzerland.
Passfield, The Right Hon. Lord, LL.B., Passfield Corner, Liphook, Hants.
Pearce, J. P., F.R.I.B.A., 9 Beach Lawn, Waterloo, Liverpool.
* Pearson, Rev. A. F. Scott, D.Th., D.Litt., 75 Queen Margaret Drive, Glasgow.
Peel, Rev. Albert, M.A., Litt.D., 97 Russell Road, Buckhurst Hill.
Peel, J. K., M.A., 6 Canterbury Terrace, Leicester.
Penn, C. D., M.A., 25 Henderson Road, S.W.18.
Penson, Professor Lillian M., Ph.D., 56 Witley Court, Coram Street, W.C.1.
Perkins, Rev. J. H. T., M.A., D.C.L., F.S.A., 5 Little Cloisters, Westminster Abbey, S.W.1.
Petrie, Sir Charles, Bt., M.A., 14 Tregunter Road, The Boltons, S.W.10.
* Phelps, Rev. P. B., M.A., Swanmore, near Bishops Waltham, Hants.
Phillips, Professor U. B., A.M., Ph.D., Yale University, New Haven, Conn., U.S.A.
Pickthorn, K. W. M., M.A., Corpus Christi College, Cambridge.
Pieris, P. E., Litt.D., Ceylon Civil Service, Colombo, Ceylon.

Pinchbeck, Miss I., M.A., Ph.D., 7 Woburn Square, W.C.1.
Plucknett, Professor T. F. T., M.A., LL.B., 17 Crescent Road, S.W.20
Plunket, Miss Ierne A. L., M.A., Rathlyme, Lyme Regis.
* Pollard, Professor A. F., M.A., Litt.D., F.B.A., Brierfield, Milford-on-Sea, Hants.
Pollock, The Right Hon. Sir Frederick, Bt., K.C., D.C.L., LL.D., F.B.A., F.S.A., 21 Hyde Park Place, W.2.
Pond, P. J., Springfield House, Chalford, Stroud, Glos.
Ponsonby-Fane, R. A. B., LL.D., 18 Minamioji, Kamikamo, Kyoto, Japan.
Poole, A. L., M.A., St. John's College, Oxford.
Porteus, Rev. T. C., M.A., B.D., St. John's Vicarage, Coppull, Chorley, Lancs.
Potter, H., Ph.D., LL.B., King's College, Strand, W.C.2.
* Potter, Professor G. R., Ph.D., M.A., The University, Sheffield.
Powell, Miss D. L., B.A., 51 Elm Park Mansions, Park Walk, S.W.10.
Powell, Miss Helen L., 127 Vassall Road, S.W.9.
Powell-Price, J. C., M.A., c/o Messrs. Grindley & Co., Bombay, India.
Power, C. E., 2 Brook Green Studios, Dunsany Road, W.14.
Power, Professor Eileen E., M.A., D.Lit., Litt.D., 20 Mecklenburgh Square, W.C.1.
Powicke, Professor F. M., M.A., Litt.D., F.B.A. (*President*), Oriel College, Oxford.
Powley, E. B., B.A., B.Litt., Merchant Taylors School, Crosby, Liverpool.
Pratt, Rev. M. A. R., 118 Knowles Street, St. Alban's, Christchurch, New Zealand.
Prestage, Professor Edgar, M.A., D.Litt., 16 Holland Street, W.8.
* Previté-Orton, C. W., M.A., Litt.D., F.B.A., 55 Bateman Street, Cambridge.
Proby, Granville, M.A., F.S.A., Elton Hall, Peterborough.
Procter, Miss Evelyn E. S., M.A., St. Hugh's College, Oxford.
Pryce, A. I., M.A., Diocesan Registry, Bangor.
Purvis, A., B.Sc., 6 Greenhalgh Walk, N.2.
Putnam, Professor Bertha H., Ph.D., Mount Holyoke College, South Hadley, Mass., U.S.A.
Pybus, Miss H. J., M.A., Newnham College, Cambridge.

Raby, F. J. E., B.A., F.S.A., 40 Barleycroft Road, Welwyn Garden City, Herts.
Radford, C. A. R., B.A., Broadwinch Manor, Devon.
Radford, Lady, 2 Pennsylvania Park, Exeter.
Radford, The Right Rev. Lewis, D.D., Bishop of Goulburn, Bishopsthorpe, Goulburn, New South Wales, Australia.
Radice, Mrs. Charles, The Manor House, Frimley.
Rae, D., M.A., Teachers' Training College, Auckland, New Zealand.
Rait, Sir Robert, C.B.E., LL.D., 13 The University, Glasgow.
Ramsbotham, R. B., M.B.E., M.A., B.Litt., Muslim University, Aligarh, U.P., India.
Ravenshaw, J., B.A., 10 West Hill, N.6.
Rawlinson, H. G., M.A., The Deccan College, Poona, India.
Ray, J. E., 9 Stanley Road, Hastings.
Read, Conyers, Ph.D., Villa Nova, Penna, U.S.A.
* Reddaway, W. F., M.A., King's College, Cambridge.

Redlich, The Rev. Canon E. B., M.A., B.D., Little Bowden Rectory, Market Harborough.
Redstone, V. B., F.S.A., 3 Seckford Street, Woodbridge.
Rees, Rev. T. Mardy, 24 Rugby Avenue, Neath, S. Wales.
Rees, Professor W., M.A., D.Sc., University College, Cathay's Park, Cardiff.
Relf, Professor Frances H., Ph.D., Wells College, Aurora-on-Cayuga, New York, U.S.A.
* Renaut, Professor F. P., LL.D., D.Litt., 38 Rue du Lourmel, Paris, XVe, France.
Renier, G. J., Ph.D., Ormond Mansions, 68 Lamb's Conduit Street, W.C.1.
Rennard, T. A., M.A., Oak Lodge, Sidmouth Junction, Honiton, Devon.
Richards, R. D., B.Sc., Ph.D., 176 Gwydir Street, Cambridge.
RICHARDSON, H. G., M.A., B.Sc., High Barn, 14 Sheridan Road, S.W.19.
Richardson, Mrs. Herbert, B.A., Whitesand Cross, Donhead St. Andrews, Shaftesbury.
Richardson, Professor O. H., Ph.D., 4717 19th Avenue, Seattle, Washington, U.S.A.
Richardson, Professor R. K., Ph.D., Beloit College, Beloit, Wis., U.S.A.
Richmond, Admiral Sir W. H., K.C.B., Great Kimble, Prince's Risborough, Bucks.
Rickword, G., 38 Wellesley Road, Colchester.
Riddell, The Hon. Mr. Justice W. Renwick, B.Sc., LL.D., Hon. L.H.D., Osgoode Hall, Toronto, Canada.
Riker, Professor T. W., B.Litt., 2300 Leon Street, Austin, Texas, U.S.A.
Rimmer, Rev. J. S., M.A., B.D., The Rectory, Ulverston.
* Roberts, Captain J. H., F.R.G.S., F.S.I., 61 Wind Street, Swansea.
Roberts, P. E., M.A., Worcester College, Oxford.
* ROBERTS, R. A., Athenæum Club, Pall Mall, S.W.
Robertson, Sir C. Grant, C.V.O., M.A., All Souls College, Oxford.
Robertson, L. A., M.A., B.Litt., 29 South Trinity Road, Edinburgh.
Robinson, Miss E. M., Moylena, 80 Underhill Road, S.E.22.
* Robinson, Morgan P., M.A., LL.B., 113 S. 3rd Street, Richmond, Va., U.S.A.
Robinson, Professor Chalfont, Ph.D., Princeton University, Princeton, N.J., U.S.A.
Robinson, Professor E. E., Ph.D., Stanford University, Cal., U.S.A.
Robinson, Professor Howard, M.A., Ph.D., 400 E. Race Street, Oxford, Ohio, U.S.A.
Robinson, Professor J. H., Ph.D., 173 Riverside Drive, New York City, N.Y., U.S.A.
Robinson, Wilfrid C., 1 St. Luke's Road, W.11.
*Rodkey, Professor F. S., A.M., Ph.D., 325 Lincoln Hall, Urbana, Ill., U.S.A.
Roe, F. G., 18 Stanford Road, Kensington Court, W.8.
Rose-Troup, Mrs. Frances, Bradleigh End, Ottery St. Mary, Devon.
Roth, Cecil, M.A., B.Litt., D.Phil., 65 Compayne Gardens, N.W.6.
Rothwell, H., B.A., Ph.D., The University, Edinburgh.
Rousseau, I. J., M.A., Rhodes University College, Grahamstown, S. Africa.
* Routh, Miss E. M. G., Fairpark House, Exeter.
Routledge, F. J., M.A., B.Litt., 19 Banks Avenue, Great Meols, Wirral, Cheshire.
* Routledge, Mrs. Scoresby, M.A., 4 Hyde Park Gardens, W.2.

Rowe, Miss B. J. H., M.A., B.Litt., 8 Blackhall Road, Oxford.
Runciman, J. C. S., M.A., Trinity College, Cambridge.
Russell, Ephraim, M.A., B.Sc., Newlands, Swanlon, Winsford, Cheshire.
Ruud, M. B., Ph.D., 429 Walnut Street, S.E., Minneapolis, Minn., U.S.A.
Ryley, Miss Caroline, Hild Hall, The Training College, Bingley.

Sadler, H. W. W., Stanhope, Rectory Road, Hadleigh, Essex.
Sage, Professor W. N., M.A., Ph.D., University of British Columbia, Vancouver, B.C., Canada.
* Salter, F. R., M.A., Magdalene College, Cambridge.
Saltmarsh, J., M.A., King's College, Cambridge.
* Sands, H., F.S.A., 16 Portland Court, Great Portland Street, W.1.
Sanigar, W. T., 205 Avon Vale Road, Barton Hill, Bristol.
Saunders, H. W., M.A., D.Litt., 25 Park Lane, Beaconsfield, Bucks.
Sayles, G. O., M.A., The University, Glasgow.
Scholefield, G. H., O.B.E., D.Sc., 42 Upper Watt Street, Highland Park, Wellington, New Zealand.
Schuyler, R. L., A.M., Ph.D., Columbia University, New York, U.S.A.
* Scofield, Miss Cora L., Ph.D., The College Club, 40 Commonwealth Avenue, Boston, Mass., U.S.A.
Scott, Professor Ernest, M.A., The University, Melbourne, Australia.
Scott, Rev. H. S., D.Phil., B.Litt., Oddington Rectory, Islip, Oxon.
Searley, A. W., Northernhay, Kingskerswell, Devon.
Sears, Professor L. M., Ph.D., Purdue University, West La Fayette, Indiana, U.S.A.
* Seebohm, Hugh Exton, J.P., Poynders End, Hitchin.
Sefton-Jones, Mrs. H., 33 Cliveden Place, Eaton Square, S.W.
Sen, Surendra Nath, M.A., Ph.D., D.Litt., 6/3 Ekdaha Road, Ballygunge, Calcutta, India.
Sethi, R. R., M.A., University Hall, Lahore, Punjab, India.
Seton-Watson, Professor R. W., D.Litt., Ph.D., F.B.A., 1 Parkside Gardens, S.W.19.
* Seybolt, Professor R. F., Ph.B., M.A., Ph.D., University of Illinois, Urbana, Ill., U.S.A.
Seymour, Professor C., LL.D., Litt.D., Yale University, New Haven, Conn., U.S.A.
Sharma, Professor Sri Ram, M.A., D.A.V., College, Lahore, Punjab, India.
* Shaw, Professor P. E., M.A., Hartford Theological Seminary, Hartford, Conn., U.S.A.
Shaw, W. B., F.S.A. (Scot.), 56 Sandy Lane, Stretford, near Manchester.
* Shawcross, Major G. N., R.E. (T.A.), M.B.E., Deanwood, Rivington, nr. Bolton.
Shelley, R. J. A., Denbie House, Formby, Lancs.
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* Shettle, Rev. G. T., L.A., Hunsingore House, Wetherby, Yorks.
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* Smyth, Rev. C. H. E., M.A., St. Clement's Vicarage, 30 Arundel Square, N.7.
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Tawney, Professor R. H., B.A., Litt.D., 44 Mecklenburgh Square, W.C.1.
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Tompkins, H. W., 8 Cromer Road, Southend-on-Sea.
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Treharne, Professor R. F., M.A., Ph.D., Hillside, Brynymor Road, Aberystwyth.
* TREVELYAN, Professor G. M., O.M., Litt.D., F.B.A., Trinity College, Cambridge.
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Turberville, Professor A. S., M.A., B.Litt., 94 Potternewton Lane, Leeds.
Turral, J., B.A., 26 Raikes Parade, Blackpool.
* Turton, Major Robert Bell, Kildale Hall, Kildale, Yorks.
Tyler, J. E., M.A., The University, Sheffield.
Tyson, M., M.A., Ph.D., The Victoria University, Manchester.

Uriburu, Señor J. E., Parera 78, Buenos Aires, South America.
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Vaucher, Professor Paul, D. ès L., Queen Anne's Mansions, S.W.1.
Vaughan, H. S., Royal Societies Club, St. James's Street, S.W.1.
Vaughan, W. W., M.A., D.Litt., The Manor House, Princes Risborough, Bucks.

Veale, E. W. W., LL.D., 14 Orchard Street, Bristol.
Veitch, Professor G. S., M.A., Litt.D., 8 Brompton Avenue, Liverpool 17.
* Vickers, Principal K. H., M.A., University College, Southampton.
Vincent, Professor J. M., Ph.D., 406 South Holliston Avenue, Pasadena, Cal., U.S.A.

* Wade, C. E., M.A., 39 Regent's Park Road, N.W.1.
* Wake, Miss Joan, Northamptonshire Record Society, County Hall, Northampton.
Wale, W., Cambridge Villas, 121 The Promenade, Cheltenham.
Walker, J., M.A., Ph.D., 8 Blandford Street, Sunderland.
* Walker, J. W., O.B.E., F.S.A., Twemlow Hall, Holmes Chapel, Cheshire.
Walker, J. Holland, M.B.E., F.S.A., 15 Park Valley, Nottingham.
Walker, Major G. G., D.S.O., M.C., Armoury House, City Road, E.C.1.
Walker, Professor E. A., M.A., University of Cape Town, College House, Breda Street, Cape Town, South Africa.
Walker, Rev. T. A., LL.D., Litt.D., F.S.A., 1 Salisbury Villas, Station Road, Cambridge.
* Walker, Robert J., F.R.G.S., F.S.A., Ormidale, Knighton Park Road, Leicester.
Walker, W. H. T., M.A., New Street, Heckington, nr. Sleaford, Lincs.
* Wall, J. C., 13 Paternoster Row, E.C.4.
Wallace, Malcolm W., B.A., Ph.D., 91 Walmer Road, Toronto, Canada.
Warmington, E. H., M.A., 49 Mill Way, Mill Hill, N.W.7.
Watson, E. J., D.Litt., F.R.S.L., Thorpe Lodge, Cotham Side, Bristol.
Watson, W. G. Willis, M.A., Single's Lodge, Pinhoe, Exeter.
* Watt, James, LL.D., W.S., 7 Blackford Road, Edinburgh, 10.
* Watts, Rev. Herbert C., 27 Jaycroft, Burnham-on-Sea.
Weaver, F. J., M.A., Beechleys, Winkton Common, Christchurch.
Webster, Professor C. K., M.A., Litt.D., F.B.A., 39 Brunswick Square, W.C.1.
Weiner, A., M.A., 11A Bristol House, Southampton Row, W.C.1.
Weitzmann, Miss S., M.A., Ph.D., 83 Aberdeen Road, W.5.
Welbourne, E., M.A., Emmanuel College, Cambridge.
Welldon, The Right Rev. Bishop, D.D., The Dell, Sevenoaks.
Wellstood, F. C., M.A , F.S.A., 19 Henley Street, Stratford-on-Avon.
Westergaard, Professor Waldemar, Ph.D., 1000 Manning Avenue, Los Angeles, Cal., U.S.A.
Whale, Miss G. B., B.A., 33 Stacey Road, Cardiff.
* Whatton, J. S., M.A., Manormead, Hindhead, Surrey.
Wheeler, H. F. B., D.Litt. (Hon.), Balholmen, Grove Road, Northwood, Middlesex.
White, A. B., Ph.D., University of Minnesota, Minneapolis, Minn., U.S.A.
White, G. H., 222 South Norwood Hill, S.E.25.
White, Miss E. M., Westcroft, Norton Road, Wembley, Middlesex.
Whitehead, A. W., M.A., Grenville, La Rocque, Jersey, Channel Islands.
Whiteley, Hon. J. G., 223 West Lanvale Street, Baltimore, Md., U.S.A.
Whitelock, Miss D., M.A., St. Hilda's College, Oxford.
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Whiting, Rev. Professor C. E., D.D., B.C.L., F.S.A., St. Chad's College, Durham.
* Whitley, Rev. W. T., LL.D., 18 New London Road, Chelmsford.

WHITNEY, The Rev. Professor J. P., D.D., D.C.L., 6 St. Peter's Terrace, Cambridge.
Whitson, Miss A. M., M.A., 16 Commercial Road, Kettering.
Whyte, Rev. A. J. B., M.A., Litt.D., South Newington Vicarage, Banbury, Oxon.
Wilkinson, Rev. J. T., M.A., B.D., 92 Hartington Road, Sefton Park, Liverpool.
Wilkinson, M., M.A., St. John's College, Oxford.
Willard, Professor J. F., Ph.D., 1101 Aurora Avenue, Boulder, Col., U.S.A.
Williams, A. J., M.A., Church House, The Ridgeway, N.W.7.
Williams, The Rev. Canon A. T. P., M.A., Head Master's House, The College, Winchester.
Williams, Professor Basil, M.A., The University, Edinburgh.
Williams, C. H., M.A., 21A Lancaster Road, N.W.3.
Williams, H. G., M.A., 1 Kenilworth Gardens, Westcliff-on-Sea.
Williams, Professor J. W., M.A., B.Litt., The Roundel, St. Andrews, Fife, Scotland.
Williams, Miss Judith B., Ph.D., Wellesley College, Wellesley, Mass., U.S.A.
Williams, Professor R., M.A., 32 St. James's Court, Buckingham Gate, S.W.1.
Williams, T. G., M.A., 63 Eardley Crescent, S.W.5.
Williams, W. W., B.Sc., Sedgemead, Wroxham Drive, Upton, Wirral, Cheshire.
Williams, Rev. W. W., M.A., 3 Wellington House, Great Malvern.
Williamson, F., Museum and Art Gallery, Derby.
Williamson, Rev. C. C. H., St. Frances, Pottery Lane, W.11.
Wilson, A. E., M.A., 12 Lauriston Road, Brighton.
Wilson, H. W., D.Litt., 203 Elgin Avenue, W.9.
* Wilson, Rev. S. G., B.Litt., F.S.A. (Scot.), The Master's Lodge, Eastbridge Hospital, Canterbury.
WINSTANLEY, D. A., M.A., Trinity College, Cambridge.
WOOD, HERBERT, B.A., F.S.A., 74 Hazlewell Road, S.W.15.
Wood, Miss M., M.A., Ph.D., 16 Buckingham Terrace, Edinburgh.
Wood, William, Rock House, Polperro, Cornwall.
Woodhead, E. W., M.A., 50 Scarborough Road, Shipley, Yorks.
Woods, E. C., L.D.S., R.C.S., Green Gables, Bowness-on-Windermere.
Woodward, E. Ll., M.A., All Souls College, Oxford.
Wordsworth, The Rev. Canon C., M.A., St. Nicholas's Hospital, Salisbury,
Workman, Rev. H. B., D.D., D.Lit., Westminster College, Horseferry Road, S.W.1.
* WORSFOLD, Sir T. CATO, Bt., M.A., LL.D., D.L. (*Hon. Solicitor*), 9 Staple Inn, W.C.1.
Wright, Miss Irene, B.A., Avenida de la Libertad, 47, Seville, Spain.
Wright, Mrs. G. Neill, University College, University Park, Nottingham.
Wrong, Professor G. M., M.A., LL.D., 73 Walmer Road, Toronto, Canada.
Wynn, Rev. H. E., M.A., Pembroke College, Cambridge.

Yorke, Philip Chesney, M.A., Licencié-ès-Lettres (Univ. of Paris), 98 Addison Road, W.14.
Young, Sir George, M.V.O., Formosa Place, Cookham, Berks.
Young, R. Fitzgibbon, M.A., Boldrewood, Claygate, Surrey.

Zaleski, August, B.Sc., Hotel Europejske, Warsaw, Poland.

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* Poole, Reginald L., LL.D., Litt.D., F.B.A., 19 Banbury Road, Oxford.

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CORRESPONDING MEMBERS.

Almkvist, Professor Johan, Nybrogatan 7, Stockholm, Sweden.
Altamira y Crevea, Professor R., Lagasca, 101, Madrid, Spain.
Andrews, Professor C. M., Ph.D., L.H.D., Yale University, New Haven, Conn., U.S.A.
Azevedo, Snr. Lucio d', Avenida de Birne, 21, 3°, Lisbon, Portugal.

Bémont, Professor Charles, 14 Rue Monsieur le Prince, Paris (VIe), France.
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Colenbrander, Professor H. J., Dr.Phil., The University, Leyden, Holland.
Cuvelier, Dr. J., Archiviste General du Royaume, Avenue des Rogations, 45, Brussels, Belgium.

Dembinski, Professor Bronislaw, Dr.Phil., The University, Pozen, Poland.
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Halévy, Professor M. Élie, La Maison Blance, Sucy en Brie, Seine-et-Oise, France.
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Haskins, Professor C. H., Ph.D., Harvard University, Cambridge, Mass., U.S.A.
Haydon, Professor Mary T., M.A., 47 Windsor Road, Rathmines, Dublin.
Holtzmann, Professor R., Ph.D., The University, Berlin, C.2, Germany.
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Jameson, Professor J. F., Litt.D., LL.D., Library of Congress, Washington, D.C., U.S.A.
Jorga, N., Ph.D., Chaussée Bonaparte, 6, Bucharest, Roumania.

Koht, Professor H., Dr.Phil., Litt.D., The University, Oslo, Norway.

Linvald, Professor Axel, Keeper of the Archives, Kongensvej 24, Copenhagen, Denmark.
Lloyd, Professor J. E., M.A., F.B.A., Gwaen Deg, Bangor, Wales.

Meyer, Professor A. O., Ph.D., Widenmayerstrasse 26, Munich, Bavaria.

Pirenne, Professor Henri, Corr. F.B.A., 126 Rue Neuve St. Pierre, Ghent, Belgium.
Pribram, Professor A. F., D.Phil., The University, Vienna, Austria.

Ravenell, H. E., A.B., A.M., Spartanburg, South Carolina, U.S.A.
Re, Emilio, Cav. Dr., Archivio di Stato, Rome, Italy.

Sarolea, Prof. Charles, K.O.L., LL.D., Litt.D., 21 Royal Terrace, Edinburgh.
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Melbourne (Australia), University Central Library.
Public Library.
Montreal (Canada), Civic Library, 1210 Sherbrooke Street E.
McGill University Library.
Ottawa (Canada), Library of Parliament.
Patna (India), Patna College Library.
Perth (West Australia), Public Library.
Pretoria (South Africa), State Library.
Sydney (Australia), Public Library of New South Wales, Parliament Buildings.
University Library.
Toronto (Canada), Legislative Library of Ontario.
Public Library, College and St. George Street.
Vancouver (Canada), University of British Columbia.
Victoria (British Columbia, Canada), Provincial Library.
Wellington (New Zealand), General Assembly Library.

FOREIGN COUNTRIES.

BELGIUM.

Brussels, Bibliothèque Royale.
Gand, Bibliothèque de l'Université, 2 Fosse d'Othon.

CHINA.

Peking, Chinese Social and Political Science Association, Men Shen Ku Nan Chih Tze Ta., Chieh.
The National Library, 1 Wen Tsin, Chieh.
Tungshan, Canton, Sun Yat Sen University Library.

DENMARK.

Copenhagen, Kongelige Bibliothek.

FRANCE.

Paris, Bibliothèque Nationale.
Institut de France.
Université de Paris.
Strasbourg, Bibliothèque Nationale et Universitaire, 6 Place de la Ré publique.

GERMANY.

Berlin, Preussische Staats-Bibliothek.
Bonn, Universitäts-Bibliothek.
Breslau, Universitäts-Bibliothek.
Erlangen, Universitäts-Bibliothek.
Freiburg, Universitäts-Bibliothek.
Göttingen, Universitäts-Bibliothek.
Greifswald, Universitäts-Bibliothek.
Halle, Universitäts-Bibliothek.
Hamburg, Institut für Auswärtige Politik, Poststrasse 19.
Hamburg, Staats-Bibliothek.
Heidelberg, Universitäts-Bibliothek.
Jena, Universitäts-Bibliothek.
Kiel, Universitäts-Bibliothek.
Königsberg, Universitäts-Bibliothek.
Leipzig, Universitäts-Bibliothek.
Marburg, Universitäts-Bibliothek.
Münich, Bayer Staats-Bibliothek.
Würzburg, Universitäts-Bibliothek.

ITALY.

Roma, Biblioteca Apostolica Vaticana.

NORWAY.

Oslo, The University Library.

POLAND.

Warsaw, Biblioteka Ministerstwa Spraw, Zagranieznych.

RUSSIA.

Leningrad (U.S.S.R.), Biblioteka Akademia Nauk
Moscow (U.S.S.R.), Biblioteka Wsesojusnaja, Mochowaja 3.

SWEDEN.

Götebörg, Stads Bibliotek.
Stockholm, Kungl. Bibliotek.
Uppsala, Kungl. Universitets-Bibliotek.

UNITED STATES.

Albany (N.Y.), New York State Library.
Amherst (Mass.), Amherst College Library.
Ann Arbor (Mich.), Michigan University Library.

Baltimore (Md.), Enoch Pratt Library.
Johns Hopkins University Library.
Peabody Institute Library.
Berkeley (Cal.), California University Library.
Bethlehem (Pa.), Lehigh University Library.
Bloomington (Ind.), Indiana University Library.
Boston (Mass.), Athenæum.
Public Library.
Brunswick (Me.), Bowdoin College Library.
Bryn Mawr (Pa.), Bryn Mawr College Library.
Buffalo (N.Y.), Grosvenor Public Library.

Cambridge (Mass.), Harvard College Library.
Harvard Law School Library.
Chicago (Ill.), Newberry Library.
University Library.
Cincinnati (Ohio), Public Library.
Cleveland (Ohio), Public Library, 325 Superior Avenue, N.E.
Clinton (New York), Hamilton College Library.
Columbus (Ohio), State University Library.

Detroit (Mich.), Public Library.
Durham (N. Car.), Duke's University.

Eugene (Oregon), University of Oregon.
Evanston (Ill.), North Western University.

Grand Rapids (Mass.), Public Library.

Hanover (N.H.), Dartmouth College Library.
Haverford (Pa.), Haverford College Library.
Houston (Texas), Rice Institute Library.

Ithaca (N.Y.), Cornell University Library.

Jersey City (N.J.), Free Public Library, 472–486 Jersey Avenue.

Lansing (Mich.), State Library.
Lawrence (Kans.), Kansas University Library.
Lincoln (Neb.), Nebraska University Library.
Los Angeles (Cal.), Public Library.

Madison (Wis.), State Historical Society of Wisconsin.
Milwaukee (Wis.), Public Library.
Minneapolis (Minn.), Athenæum Library.
Minnesota University Library.
Mundelein (Ill.), Feehan Memorial Library, St. Mary of the Lake Seminary.

Newark (N.J.), Free Public Library.
New Haven (Conn.), Yale University Library.
New York (N.Y.), Columbia University Library.
General Theological Seminary Library, 175 Ninth Avenue.
Public Library.
University, Washington Square Library, 32 Waverley Place.
Northampton (Mass.), Smith College Library.

Philadelphia (Pa.), Library Company of Philadelphia.
Pennsylvania University Library.
Yarnall Library of Theology, 42nd and Locust Streets.
Pittsburg (Pa.), Carnegie Library, The Periodical Room, Shenley Park.
Poughkeepsie (N.Y.), Vassar College Library.
Princeton (N.J.), Princeton University Library.
Providence (R.I.), Brown University Library.

Richmond (Va.), Virginia State Library.
Rochester (N.Y.), University Library.

St. Louis (Mo.), Public Library.
University Library, Grand and Pine Boulevards.
Washington University.
San Francisco (Cal.), Public Library, Civic Center.
San Marino (Cal.), Henry E. Huntington Library.
Seattle (D.C.), University of Washington.
South Hadley (Mass.), Mount Holyoke College Library.
Stanford (Cal.), University Library.

Terre Haute (Ind.), Indiana State Normal School Library.

Urbana (Ill.), Illinois University Library.

Washington (D.C.), Catholic University of America.
Wellesley (Mass.), Wellesley College Library.
Williamstown (Mass.), Williams College Library.
Winona (Minn.), College of Saint Teresa.

HISTORICAL SOCIETIES IN GREAT BRITAIN AND IRELAND

WHICH EXCHANGE TRANSACTIONS WITH THE ROYAL HISTORICAL SOCIETY.

Society of Antiquaries, Burlington House, London, W.1.
Royal Society of Antiquaries of Ireland, 63 Merrion Square, Dublin.
Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 63 Chancery Lane, W.C.2.
Surrey Archæological Society, Castle Arch, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.1.
The University, Manchester.
Thoroton Society, Nottingham, Bromley House, Angel Row, Nottingham.

HISTORICAL SOCIETIES ABROAD

WHICH EXCHANGE TRANSACTIONS WITH THE SOCIETY.

AUSTRALIA.

Royal Australian Historical Society, Department of Education Offices, Bridge Street, Sydney.

AUSTRIA.

Akad. der Wissenschaften, Vienna.

BELGIUM.

Académie Royale des Sciences, des Lettres et des Beaux-Arts, Palais des Académies, Brussels.
Académie Royale d'Archéologie de Belgique, Rue de Witte, 59, Antwerp.
Archives, Hotel de Ville, Antwerp.
Revue Bénédictine, Abbaye de Maredsous, par Maredret.
Société d'Archéologie de Bruxelles, 11 Rue Ravenstein, Brussels.

CANADA.

Public Archives of Canada, Ottawa.
Toronto University.

CZECKO-SLOVAKIA.

Böhmischen Gesellschaft der Wissenschaften, Alstadt, c. Nr. 562, Prague.

DENMARK.

Société Royale des Antiquaires du Nord, Copenhagen.

FRANCE.

Annales de Bourgogne, c/o Bibliothèque de la Ville, Dijon.
Bibliothèque de l'Université de Toulouse, 2 Rue de l'Université, Toulouse, Haute-Garonne.
Société de l'École Nationale des Chartes, 19 Rue de la Sorbonne, Paris.
Société de l'Histoire de France, 60 Rue des Francs-Bourgeois, Paris.
Société des Antiquaires de l'Ouest, Rue des Grandes-Écoles, Poitiers.

GERMANY.

Notgemeinschaft der Deutschen Wissenschaft, 3 Schlosz Portal, Berlin.
Hansischer Geschichtsverein, Staats Archiv, Konigstrasse 21, Lübeck.

HOLLAND.

Commissie van Advies voor Rijks Geschied-kundige Publicatien, The Hague.
Historisch Genootschap, Utrecht.

ITALY.

Reale Academia Lucchese di Scienze, Lettere ed Arti, Lucca.
Reale Academia dei Lincei, Rome.
R. Società Romana di Storia Patria, Rome.
Società di Storia Patria per la Sicilia Orientale, Catania, Sicily.

MEXICO.

Museo Nacional, D.F., Mexican Republic, Mexico.

NOVA SCOTIA.

The Nova Scotia Historical Society, Halifax.

POLAND.

Bibliothèque de L'Institut National Ossolinski Leopol (Lwow).
L'Administration Générale des Archives de l'État, Warsaw, Ul. Dlugo, No. 13.
Polskie Towarzystwo Historyczne, Lwow Universitets (Leopol), Lwow.
Societas Scientiarum Varsaviensis, 8 Sniadeckich, Warsaw.

PORTUGAL.

Academia Real das Sciencias, Lisbon.
Revista de Historia, Av. do duque de Avila, Lisbon. 112.3°.

ROUMANIA.

Academia Romana, Bucharest.

RUSSIA.

Académie des Sciences d'Ukraïne, Rue Tchoudnovski 2, Kyïv, Ukraine.

SOUTH AMERICA.

Academia Nacional de la Historia, Carácas, Venezuela.

SPAIN.

Real Academia de la Historia, Calle del Leon 21, Madrid.

SWEDEN.

K. Universitets Biblioteket, Lund.
Kongl. Vitterhets Historie Antiquitets Akademien, National Museum, Stockholm.
The Royal Society of Antiquaries of Sweden, Stockholm.
The University, Upsala.

SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Bibliothek, Berne.
Historische und Antiquarische Gesellschaft, Universitäts-Bibliothek, Basel.
Tauschstelle der Antiquarischen Gesellschaft, Zentral Bibliothek, Zürich.

UNITED STATES.

American Antiquarian Society, Worcester, Mass.
American Jewish Historical Society, 3080 Broadway, New York.
Connecticut Historical Society, Hartford, Conn.
Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, Pa.
Illinois Historical Society, Springfield, Illinois.
Library of Congress, Washington, D.C.
Maryland Historical Society, Baltimore, Md.
Massachusetts Historical Society, Boston, Mass.
Minnesota Historical Society, Saint Paul, Minn.
New England Historic-Genealogical Society, 9 Ashburton Place, Boston, Mass.
New Jersey Historical Society, 16 West Park Street, Newark, N.J.
New Hampshire State Library, Concord, N.H.
New York Historical Society, 77 Street and Central Park West, New York.
Rhode Island Historical Society, Providence, R.I.
South Carolina Historical Society, Charleston, S.C.
Texas State Historical Society, Austin, Texas.
Virginia Historical Society, 707 East Franklin Street, Richmond, Va.

The Council are not responsible for the accuracy of the foregoing list, but they request that any inaccuracy or omission may be pointed out to the Secretary, and that all changes of address may be notified to him, so that delay in forwarding communications and the Publications of the Society may be avoided.

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